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THE

12

CONSOLIDATED STATUTES

OF

NEWFOUNDLAND

[THIRD SERIES.]

BEING A CONSOLIDATION OF THE STATUTE LAW
OF THE COLONY DOWN TO AND INCLUDING
THE SESSION OF THE LEGISLATURE IN
THE YEAR 1916,

v. 1

PRINTED AND PUBLISHED BY AND UNDER THE AUTHORITY
OF THE GOVERNOR IN COUNCIL, AND PROCLAIMED
UNDER THE AUTHORITY OF THE ACT
9 AND 10, GEORGE V., CAP. X., 1918



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ADDENDA ET CORRIGENDA.

Page

- 69 & 70—For the words: "Section 50" read "Section 49."
127—Add to Table of Contents: "24, Short Title of Chapter."
175—In Section 109 for "102" read "103."
274—In Table of Contents; Sec. 17: for "Obstruction" read "Construction."
509—For Chapter "94" read "Chapter 64."
833—In Rule 7, for "Section 26" read "Section 25."
1244—In Section 12, for "changes" read "charges."
1259—In Section 49, for "seems" read "deems."
1260—In Sub-section (2) after the word "apply" insert "to."
1545—In Section 9, for "dusty" read "rusty."
1622—In Section 12, line 2, after "fishing vessels" insert "or vessels."
1668—In Section 7, sub-section (4), before the word "transferable" read "not."
1790—In Section 12, for "erected" read "effected."
1812—For "Criminal Law Consolidation Acts" substitute "The Malicious
Damage Act."
1823—In Section 5, the second line, for "5" read "4".

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ANNO SEXTO

GEORGII V. REGIS.

CAP. XV.

An Act for Revising and Consolidating the Public and General Statute Laws of the Colony and for the Publication of the same.

[PASSED MAY 4, 1916.]

Whereas it has been found expedient to revise and con- **Preamble.**
solidate the Public General Statutes of the Colony. *And*
whereas such revision and consolidation have been made of
the Statutes passed by the Legislature up to and including the
Session of the Legislature held in the fourth year of the reign
of his present Majesty and the Statutes so revised and con-
solidated are contained in the report of Commissioners ap-
pointed by the Governor in Council in that behalf.

And whereas it is expedient to provide for the incorpo-
ration in the said consolidation of public general Statutes
passed during the Sessions of the Legislature in the fifth and
sixth years of the reign of His present Majesty and during
the present Session.

Be it enacted by the Governor, the Legislative Council
and House of Assembly, in Legislative Session convened, as
follows:—

1. The Governor in Council may select such Acts, and
parts of Acts, passed during the Sessions of the Legislature
in the fifth and sixth years of the reign of His present Ma-
jesty, and such Acts and parts of Acts passed during the pre-
sent Session as he may deem it advisable to incorporate with

Acts of 5 and 6,
Geo. V., to be in-
corporated with
report of Com-
missioners.

the Chapters contained in the report of the Commissioners, and may cause them to be consolidated and to be incorporated therewith, adapting their form and language to those of the said Chapters but without changing their effect, inserting them in their proper places in the said Chapters, striking out of the said Chapters any provisions expressly or in effect repealed by or inconsistent with those so incorporated, and numbering the said Chapters and the sections thereof.

The whole to be
rinted.

2. As soon as such Acts and parts of Acts are incorporated with the said Chapters, and such amendments are made therein, the whole shall be printed.

Certain altera-
tions and re-
arrangements
may be made and
errors corrected.

3. The Governor in Council may make such alterations in its language as are requisite in order to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what he deems to be the intention of the Legislature, or to reconcile seemingly inconsistent enactments, or to correct clerical errors by inserting provisions now in force which have been omitted from such Chapters, or to omit provisions therefrom which are not now in force or to combine two or more Chapters into one, or to divide any Chapter into two or more Chapters, and generally to correct clerical or typographical errors.

Arrangement of
Chapters and
Sections.

4. The Chapters shall be arranged in such order as the Governor in Council shall see fit, and sections may be renumbered; and wherever sections of such Chapters or of any Act are referred to by number, and wherever Acts or Chapters are referred to by title, such changes may be made in the references to such numbers or titles as may be requisite to preserve the sense and meaning of the enactment; and wherever the same provision is repealed in two or more different Chapters, the same may be omitted from one or more of such Chapters; provided that such provision shall be retained in at least one of such Chapters.

* * * * *

Certain Public
documents may
be annexed to the
Consolidated
Statutes.

8. The Governor in Council may direct that Acts or parts of Acts of the Parliament of Great Britain and Ireland, proclamations, treaties, or other public documents which he may select from those in force in this Colony, be printed and annexed to the printed copies of the "Consolidated Statutes (Third Series)."



ANNO OCTAVO-NONO

GEORGII V. REGIS.

CAP. X.

An Act for the Publication of the Consolidated Statutes Third Series.

[PASSED MAY 16, 1918]

Whereas by the Act 6 George V. (1916), Chapter Fifteen, provision was made for the revision and consolidation of the Public General Statutes of the Colony up to and inclusive of those passed in the Second Session of the Legislature in the sixth year of the reign of His present Majesty; *And whereas* it is expedient to make provision for giving the force of law to the body of Statutes resulting from such revision and consolidation.

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:—

1. As soon as the revision and consolidation provided for by the said Act 6 George V. (1916), Chapter Fifteen, shall have been completed, the Governor in Council shall cause the Statutes so revised and consolidated to be arranged under the appropriate Titles and Chapters, and shall cause to be prefixed to the whole the following words, that is to say:

Statutes as consolidated to be suitably arranged and enacting words prefixed.

“An Act for Revising and Consolidating the General Statutes of Newfoundland.

“Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows:”—

Printed roll to be deposited in office of Colonial Secretary and duly attested, to serve as original.

2. His Excellency the Governor shall cause a correct printed roll of the Statutes so revised, consolidated and arranged as aforesaid, attested under his signature, and countersigned by the Colonial Secretary and Attorney General, to be deposited in the office of the Colonial Secretary, which roll shall be held to be the original of the Consolidated Statutes (Third Series), any marginal notes, notes at heads of Chapters, and references to former enactments which may appear thereon, together with any explanatory notes or tables inserted therein by the Governor in Council, being held to form no part of the said Statutes, but to be inserted for convenience of reference only.

Schedule of Public General Acts not included, but not repealed.

3. There shall be appended to the said Roll a Schedule A., wherein the Governor in Council shall include all Public General Acts and parts of Acts the provisions of which shall not be contained in the said Consolidated Statutes (Third Series), but which shall not be held to be repealed or otherwise affected by the provisions of this Act.

Schedule of Local and Private Acts not included, but not repealed.

4. There shall be appended to the said Roll a Schedule B., wherein the Governor in Council shall include all Local and Private Acts, the provisions of which shall not be contained in the said Consolidated Statutes (Third Series), but which shall not be held to be repealed or otherwise affected by the provisions of this Act.

Proclamation of day on, from and after which the Consolidated Statutes shall have effect; Repeal of former Statutes.

5. The Governor in Council, after the deposit as aforesaid of the said Roll, may, by proclamation, declare a day on and from and after which the said Consolidated Statutes (Third Series), shall by that designation come into force and have effect of law, and on, from and after the day so appointed the said Consolidated Statutes (Third Series) shall accordingly come into force and effect by the said designation as fully to all intents and purposes as though the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such day; and on, from and after the said day the Consolidated Statutes of Newfoundland (Second Series), and all Acts passed at the Second Session of the Legislature held in the year 1892, and at all Sessions of the Legislature held in the years between 1893 and 1916, both inclusive, shall stand repealed and cease to have any force or effect, save and except

the Chapters and Acts and parts of Acts comprised in the said Schedules A and B respectively.

6. The repeal of the Acts and parts of Acts not comprised in the said Schedules shall not revive any Statute or provision of law repealed by such Acts or parts of Acts, nor shall it prevent any saving clause contained in any such Act or part of an Act from having effect, nor shall it prevent the application of any such Act or part of an Act, or of any Act or provision of law formerly in force, to any transaction or thing anterior to the said repeal to which it would otherwise apply. Effect of repeal.

7. (1) The repeal of the said Acts and parts of Acts shall not affect— Effect of repeal

- (a) Any penalty, bond, security, forfeiture or liability made or incurred before the time of such repeal, or any proceeding for enforcing the same, had, done, completed or pending at the time of such repeal.
- (b) Any action, suit, judgment, decree, certificate, execution, process, order or rule, or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing or in force at the time of such repeal.
- (c) Any act, deed, right, title, interest, grant, assurance, dissent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, had, done, made, acquired, established, or existing at the time of such repeal;
- (d) Any office, appointment, commission, salary, allowance, security, duty, or any other matter or thing appertaining thereto at the time of such repeal;
- (e) Any marriage certificate or registry thereof lawfully had, made, granted or existing before or at the time of such repeal.
- (f) Nor shall such repeal defeat, disturb, invalidate, or prejudicially affect any other matter or thing

whatsoever, had, done, completed, existing or pending at the time of such repeal.

- (2) But every such penalty, bond, security, forfeiture and liability, and every such action, suit, judgment, decree, certificate, execution, process, order, rule, proceeding, matter or thing, and every such act, deed, right, title, interest, grant, assurance, dissent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, and every such office, appointment, commission, salary, allowance, security and duty, and every such marriage certificate and registry thereof, and every other such matter and thing, and the force and effect thereof respectively, may and shall be continued, prosecuted, enforced and proceeded with under the said Consolidated Statutes (Third Series), and other the Statutes and laws having force in this Colony, so far as applicable thereto, and subject to the provisions of the said several Statutes and laws.

References to repealed Statutes to be held to apply to parts of these Statutes having the same effect.

8. Any reference in any instrument or document, or in any Act comprised in either of the said Schedules A and B to any Act or part of an Act so repealed as aforesaid shall, after the coming into force of the said Consolidated Statutes (Third Series), be held as regards any subsequent transaction, matter or thing to be a reference to the provisions in the said Consolidated Statutes (Third Series), having the same effect as such repealed Act or part of an Act.

Copies published for and under authority of the Governor in Council to be evidence.

9. Copies of the said Consolidated Statutes (Third Series) purporting to be printed and published for and under the authority of the Governor in Council, shall be received as evidence of the Consolidated Statutes (Third Series), in all Courts and places whatsoever.

Short form of reference to Chapters.

10. Any Chapter of the Consolidated Statutes (Third Series), may be recited and referred to in any Act, instrument, document or proceeding whatsoever, either by its title as a Chapter, or by its short title, or by using the expression "Consolidated Statutes, Chapter _____," (adding the number of the particular Chapter in the copies printed for the

Governor in Council), either with or without the title of the Chapter.

11. Sections five, six, seven and nine of the said Act ^{Repealing section.} 6 George V. (1916), Chapter fifteen, are hereby repealed; provided that such repeal shall not affect the validity of anything done by virtue of the said sections so repealed.

12. The said Act 6 George V., 1916, Chapter fifteen, ^{Short title.} and this Act may be cited individually as the Consolidation Act, 1916, and the Consolidation Act, 1918, respectively, and collectively as the Consolidation Acts, 1916-1918.

SCHEDULE A.

ACTS OF THE LEGISLATURE, THE PROVISIONS OF WHICH ARE NOT INCLUDED OR CONTAINED³ IN THE "CONSOLIDATED STATUTES (THIRD SERIES)," BUT WHICH ARE NOT REPEALED OR OTHERWISE AFFECTED BY "THE CONSOLIDATION ACT 1918."

CONSOLIDATED STATUTES (SECOND SERIES) 1892.

Cap 34.—Of a Line of Railway towards Hall's Bay and of a branch to Brigus or Clarke's Beach.

Cap. 35.—Of the Purchase of the "Newfoundland Railway" by the Government.

Cap. 131.—Of the Prevention of the Sale of Intoxicating Liquors.

56 VICTORIA, 1893.

Cap. 1.—An Act to amend 54 Vic., Cap. 8, entitled "An Act to amend an Act passed in the 53rd year of the Reign of Her present Majesty, entitled "An Act to amend 52 Victoria Chapter 4, and to make further provision for the construction and equipment of a line of Railway towards Hall's Bay and of a Branch to Brigus or Clarke's Beach, and for other purposes."

XXIV. CON. STAT. PUBLICATION ACT, 1918.

Cap. 2.—An Act to provide for the construction and equipment of a line of Railway to Port aux Basques, and for other purposes.

Cap. 3.—An Act for the maintenance and operation of the Lines of Railway from Whitbourne to Port aux Basques and of the Branches thereof.

Cap. 10.—An Act relating to the Sale of Intoxicating Liquors.

Cap. 24.—An Act to authorize the raising of a sum of money by loan for the Public Service of the Colony.

58 VICTORIA, 1895.

Cap. 7.—An Act to amend the Act 58 Vic. Cap. 2, entitled "An Act to authorize the raising of a sum of money by loan for the Public Service of the Colony."

Cap. 13.—An Act to authorize the raising of a sum of money for the Public Service of the Colony.

60 VICTORIA, 1896.

Cap. 2.—An Act for the conversion of certain Debentures of the Colony.

Cap. 12.—An Act to amend the Temperance Act of 1889.

Cap. 14.—An Act to authorise the raising of a sum of money for the redemption of certain Debentures of the Colony.

Cap. 16.—An Act to amend the Act 56 Vic. Cap. 3, entitled "An Act for the maintenance and operation of the lines of Railway from Whitbourne to Port aux Basques, and of the branches thereof."

60 VICTORIA, 1897.

Cap. 4.—An Act to provide for the Survey, Location, Construction, Completion, Equipment, Maintenance and Operation of certain Lines of Railway, and for other purposes.

61 VICTORIA, 1898.

Cap. 9.—An Act Respecting certain Retiring Allowances.

Cap. 10.—An Act to provide for the appropriation of certain sums of money, and for other purposes.

Cap. 33.—An Act for the encouragement of Agriculture.

62-63 VICTORIA, 1899.

Cap. 32.—An Act Respecting certain Retiring Allowances.

Cap. 33.—An Act to continue the encouragement of Agriculture.

Cap. 37.—An Act to authorize the raising of a sum of money by loan for the Public Service of the Colony.

63 VICTORIA (Second Session), 1900.

Cap. 4.—An Act to amend 61 Vic. Cap. 6, entitled “An Act to provide for the maintenance and operation of the Newfoundland Railway, and for other purposes.”

1 EDWARD VII., 1901.

Cap. 16.—An Act to amend Chapter 131 of the Consolidated Statutes (Second Series) entitled “Of the Prevention of the Sale of Intoxicating Liquors.”

Cap. 20.—An Act Respecting certain Retiring Allowances.

2 EDWARD VII., 1902.

Cap. 13.—An Act Respecting Duties on Foreign Built Vessels.

Cap. 24.—An Act Respecting certain Retiring Allowances.

Cap. 27.—An Act to provide for the reduction of duties on certain Portuguese Products.

Cap. 28.—An Act to authorize the raising of a sum of money by loan for the Public Service of the Colony.

3 EDWARD VII., 1903.

Cap. 14.—An Act Respecting certain Retiring Allowances.

XXVI. CON.STAT. PUBLICATION ACT, 1918.

Cap. 16.—An Act to authorize the raising of a loan by the sale of Debenture Bonds of the Colony.

Cap. 17.—An Act to authorize the raising of a sum of money by loan for the public service of the Colony.

4 EDWARD VII., 1904.

Cap. 13.—An Act to provide for the transportation of timber over streams and lakes, and for other purposes in connection with Crown Lands.

Cap. 18.—An Act for raising a sum of money by Loan upon the credit of the Colony.

Cap. 19.—An Act for raising by Loan a sum of money by the Sale of Debenture Bonds of the Colony.

5 EDWARD VII., 1905.

Cap. 1.—An Act Respecting certain Loans upon the Credit of the Colony, and for other purposes.

Cap. 2.—An Act to provide for the Raising of a sum of money by Loan for the Telegraph Service of the Colony.

Cap. 3.—An Act to facilitate the investment of Trust and other Funds in the United Kingdom in certain Newfoundland Government Securities.

Cap. 4.—An Act respecting Foreign Fishing Vessels.

Cap. 6.—An Act to increase the Revenue by the imposition of a Tax upon Express Companies doing business in the Colony.

Cap. 7.—An Act to increase the Revenue by imposing Taxes upon business transacted by Telegraph and Telephone Companies within and in transit through the Colony.

Cap. 9.—An Act for granting to His Majesty certain duties on goods, wares and merchandise imported into this Colony and its Dependencies.

Cap. 22.—An Act respecting certain Retiring Allowances.

6 EDWARD VII., 1906.

Cap. 17.—An Act Respecting Licenses for the Sale of Intoxicating Liquors.

Cap. 26.—An Act to amend the Revenue Act 1905.

Cap. 32.—An Act respecting certain Retiring Allowances.

7 EDWARD VII., 1907.

Cap. 1.—An Act to amend 5 Edward VII., Cap. 1, entitled "An Act respecting certain Loans upon the credit of the Colony, and for other purposes."

Cap. 2.—An Act respecting the Imposition of Taxes on Banks doing business in the Colony.

Cap. 4.—An Act respecting the Assessment of Life Insurance Companies.

Cap. 16.—An Act respecting the Sale of Intoxicating Liquors.

Cap. 17.—An Act to amend the Temperance Act.

Cap. 27.—An Act to amend the Revenue Act 1905.

Cap. 29.—An Act respecting certain Retiring Allowances.

8 EDWARD VII., 1908.

Cap. 10.—An Act respecting certain Retiring Allowances.

Cap. 11.—An Act to amend the Revenue Act 1905.

9 EDWARD VII., 1909.

Cap. 3.—An Act for raising by Loan a sum of money for the Public Service of the Colony.

Cap. 4.—An Act respecting certain Retiring Allowances.

Cap. 5.—An Act further to amend the Revenue Act 1905.

XXVIII. CON. STAT. PUBLICATION ACT, 1918.

10 EDWARD VII., 1910.

Cap. 5.—An Act to amend 6 Edward VII., Cap. 17, entitled "An Act respecting Licenses for the Sale of Intoxicating Liquors."

Cap. 13.—An Act respecting Newfoundland Government Securities.

Cap. 35.—An Act respecting certain Retiring Allowances.

Cap. 37.—An Act further to amend the Revenue Act 1905.

Cap. 38.—An Act for raising a sum of money by Loan for the Public Service of the Colony.

Cap. 39.—An Act for raising a sum of money by Loan for the Extension of the Railway System of the Colony.

11 EDWARD VII., 1911.

Cap. 1.—An Act to amend the Law in relation to the Sale of Intoxicating Liquors.

1 GEORGE V., 1911.

Cap. 30.—An Act respecting certain Retiring Allowances.

Cap. 31.—An Act further to amend the Revenue Act 1905.

Cap. 32.—An Act for raising by the Sale of Debenture Bonds a Loan for the Public Service of the Colony.

2 GEORGE V., 1912.

Cap. 15.—An Act respecting certain Retiring Allowances.

Cap. 16.—An Act further to amend the Revenue Act 1905.

Cap. 17.—An Act to provide for the Raising by the Sale of Debenture Bonds of a sum of money for the Public Service of the Colony.

Cap. 18.—An Act to provide for the Raising of a sum of money by Loan for the Extension of the Railway System of the Colony.

3 GEORGE V., 1913.

Cap. 1.—An Act respecting the Sale of Intoxicating Liquors.

Cap. 23.—An Act respecting the Mail Service of the Colony.

Cap. 32.—An Act respecting certain Retiring Allowances.

Cap. 34.—An Act further to amend the Revenue Act 1905.

4 GEORGE V., 1914.

Cap. 22.—An Act respecting certain Retiring Allowances.

Cap. 23.—An Act for raising a sum of money by Loan for the Extension of the Railway System of the Colony.

Cap. 24.—An Act for raising by the Sale of Debenture Bonds a loan for the Public Service of the Colony.

Cap. 25.—An Act further to amend the Revenue Act 1905.

5 GEORGE V., 1914 (Second Session).

Cap. 1.—An Act to confer certain powers upon the Governor in Council.

Cap. 2.—An Act to enable the Governor in Council during the existence of a state of war to take possession of Food Stuffs unreasonably withheld.

Cap. 4.—An Act respecting a Volunteer Force in this Colony.

Cap. 8.—An Act for raising a sum of money by Loan for the Maintenance and Equipment of a Volunteer Force.

Cap. 9.—An Act to authorize the Governor in Council to raise a Temporary Loan in certain cases.

XXX. CON. STAT. PUBLICATION ACT, 1918.

Cap. 12.—An Act further to amend the Revenue Act 1905.

6 GEORGE V., 1915.

Cap. 8.—An Act to amend and continue in force for a further period the Act 5 Geo. V, (Session 1) Cap. 4, entitled, "An Act respecting a Volunteer Force in this Colony."

Cap. 20.—An Act respecting certain Retiring Allowances.

Cap. 22.—An Act for raising a sum of money by Loan for the Extension of the Railway System of the Colony.

Cap. 23.—An Act for raising a sum of money by Loan for the Public Service of the Colony.

Cap. 24.—An Act to provide for a Temporary Loan for Public Purposes.

Cap. 27.—An Act further to amend the Revenue Act 1905.

6 GEORGE V., 1916.

Cap. 4.—An Act to amend The War Measures Act 1914.

Cap. 5.—An Act to enable the Governor in Council during the existence of a State of War to take possession of Articles of Commerce unreasonably withheld.

Cap. 6.—An Act respecting the Control of Trading in Certain Commodities.

Cap. 7.—An Act to amend and continue in Force for a further period the Act 5 George V., Session 1, Cap. 4, entitled "An Act Respecting a Volunteer Force in this Colony."

Cap. 8.—An Act respecting Trading with the Enemy.

Cap. 30.—An Act respecting certain Retiring Allowances.

Cap. 31.—An Act to authorize the raising of a sum of money by loan for Naval, Military, Railway and other public purposes.

Cap. 33.—An Act further to amend the Revenue Act 1905.

Cap. 34.—An Act for granting to His Majesty certain sums of money for defraying certain expenses of the Public Service for the Financial Years ending respectively the Thirtieth day of June, 1916, and the Thirtieth day of June, 1917, and for other purposes relating to the Public Service.

NOTE.

The following Acts, of date prior to 1892, were not repealed by the Consolidated Statutes, 2nd. Series (1892) and therefore, although not included in Schedule A, are still in force.

6 VICTORIA, 1843.

Cap. 19.—An Act for vesting all Estates and Property occupied for the Ordnance Service of Her Majesty in the Principal Officers of the Ordnance Department.

19 VICTORIA, 1856.

Cap. 22.—An Act for transferring to one of Her Majesty's Principal Secretaries of State the Powers and Estates vested in the Principal Officers of the Ordnance.

CONSOLIDATED STATUTES, 1872.

Cap. 36.—“Of the Consolidation of part of the public debt of the Colony.”

38 VICTORIA, 1875.

Cap. 12.—An Act to raise by loan a sum of money for the erection of a Building for the storage of Inflammable Oils.

39 VICTORIA, 1876.

Cap. 14.—An Act to authorize the raising by Loan of a sum of money for the Public Service of the Colony.

40 VICTORIA, 1877.

Cap. 24.—An Act to authorize the consolidation of part of the Public Debt of the Colony.

XXXII. CON STAT. PUBLICATION ACT, 1918.

42 VICTORIA, 1879.

Cap. 9.—An Act to make provision for certain improvements in the Harbors of Grand Bank and Fortune, and for other purposes.

45 VICTORIA, 1882.

Cap. 20.—An Act to provide for certain Ocean and Harbor Lights in this Colony.

46 VICTORIA, 1883.

Cap. 22.—An Act to authorize the consolidation of part of the Public Debt of the Colony.

50 VICTORIA, 1887.

Cap. 6.—An Act to authorize the raising of a sum of money for the Public Service of the Colony.

51 VICTORIA, 1888.

Cap. 3.—An Act to authorize the raising of a sum of money for the Public Service of the Colony.

SCHEDULE B.

LOCAL AND PRIVATE ACTS, NOT INCLUDED IN "THE CONSOLIDATED STATUTES (THIRD SERIES)" BUT WHICH ARE NOT REPEALED OR OTHERWISE AFFECTED BY "THE CONSOLIDATION ACT 1918."

56 VICTORIA, 1893.

Cap. 11.—An Act to incorporate the Placentia Water Company.

59 VICTORIA, 1895.

Cap. 39.—An Act to incorporate a Company under the style and title of the St. John's Gas Light Company.

60 VICTORIA, 1896.

Cap. 20.—An Act to incorporate the St. John's Street Railway Company, and for other purposes.

60 VICTORIA, 1897.

Cap. 11.—An Act to amend the Acts relating to the Harbor Grace Water Company.

61 VICTORIA, 1898.

Cap. 5.—An Act respecting the rights and privileges of the New York Newfoundland and London Telegraph Company in Newfoundland.

Cap. 6.—An Act to provide for the Maintenance and Operation of the Newfoundland Railway, and for other purposes.

62-63 VICTORIA, 1899.

Cap. 21.—An Act to amend the Acts relating to the Harbor Grace Water Company.

Cap. 30.—An Act to amend the Act 60 Vic. Cap. 20, entitled "An Act to incorporate the St. John's Street Railway Company, and for other purposes."

1 EDWARD VII., 1901.

Cap. 6.—An Act to amend the Newfoundland Railway Act, 1898, and for other purposes.

2 EDWARD VII., 1902.

Cap. 7.—An Act to amend 56 Vic. Cap. 11, entitled "An Act to incorporate the Placentia Water Company."

Cap. 8.—An Act to incorporate the United Towns Electrical Company, and for other purposes.

Cap. 9.—An Act to incorporate the Board of Trustees of the Century Church and Manse Building Fund for the Presbyterian Church in Canada—Eastern section.

4 EDWARD VII., 1904.

Cap. 4.—An Act further to amend 56 Vic. Cap. 11, entitled "An Act to incorporate the Placentia Water Company."

Cap. 5.—An Act respecting the Coastal Steam Mail Service.

XXXIV. CON. STAT. PUBLICATION ACT, 1918.

Cap. 12.—An Act respecting certain Mineral Lands.

5 EDWARD VII., 1905.

Cap. 10.—An Act to encourage the Manufacture of Pulp and Paper in this Colony.

Cap. 11.—An Act to authorize the Royal Trust Company to do business in the Colony of Newfoundland.

Cap. 12.—An Act to amend the Act 56 Vic. Cap. 11, entitled "An Act to incorporate the Placentia Water Company."

Cap. 16.—An Act to incorporate the Institute of Accountants of Newfoundland.

Cap. 19.—An Act to amend the Act 59 Vic. Cap. 39, entitled "An Act to incorporate a Company under the style and title of the St. John's Gas Light Company."

6 EDWARD VII., 1906.

Cap. 9.—An Act for the confirmation of an agreement between the Government and the Marconi Wireless Telegraph Company of Canada.

Cap. 10.—An Act for the confirmation of an agreement between the Government and the Commercial Cable Company of New York.

Cap. 29.—An Act to amend 5 Ed. VII., Cap. 16, entitled "An Act to incorporate the Institute of Accountants of Newfoundland."

7 EDWARD VII., 1907.

Cap. 8.—An Act to amend the Acts in relation to the Harbor Grace Water Company.

Cap. 9.—An Act further to amend 56 Vic. Cap. 11, entitled "An Act to incorporate the Placentia Water Company."

Cap. 10.—An Act further to amend 59 Vic. Cap. 39, entitled "An Act to incorporate a Company under the style and title of the St. John's Gas Light Company."

Cap. 15.—An Act respecting the Establishment of Speedier Communication between Great Britain and the Continent of America.

8 EDWARD VII., 1908.

Cap. 9.—An Act to incorporate the Twillingate Electric Company of Newfoundland, and for other purposes.

9 EDWARD VII., 1909.

Cap. 2.—An Act to incorporate the Newfoundland Board of Trade, and for other purposes.

10 EDWARD VII., 1910.

Cap. 1.—An Act to amend 9 Edward VII., Cap. 2, entitled "An Act to incorporate the Newfoundland Board of Trade, and for other purposes."

Cap. 2.—An Act respecting the Fishermen's and Sailors' Home Joint Stock Company, Limited.

Cap. 12.—An Act to provide for the extension of the Railway System of the Colony.

Cap. 23.—An Act to confirm a contract for the development of the coal deposits of the Colony.

Cap. 24.—An Act to confirm an agreement between the Government and the Newfoundland Oil Fields, Limited.

Cap. 25.—An Act to confirm an agreement with the Atlantic Pebble Company, Limited.

Cap. 26.—An Act for the confirmation of an agreement between the Government and the Nova Scotia Steel and Coal Company, Limited.

Cap. 27.—An Act for the confirmation of an agreement between the Government and the Dominion Iron and Steel Company, Limited.

1 GEORGE V., 1911.

Cap. 5.—An Act to incorporate the Newfoundland Marine Insurance Company of Newfoundland.

XXXVI. CON. STAT. PUBLICATION ACT, 1918.

Cap. 7.—An Act for the confirmation of a contract with the Direct United States Cable Company, Limited.

Cap. 8.—An Act for the confirmation of a contract with the Western Union Telegraph Company, Limited.

Cap. 9.—An Act respecting the ratification of certain contracts for Coastal Mail Service.

Cap. 11.—An Act to Encourage the Manufacture of Explosives.

Cap. 28.—An Act to encourage and assist the construction and operation of a Marine Railway Dock at Harbor Grace.

2 GEORGE V., 1912.

Cap. 8.—An Act respecting the establishment of a Pulp and Paper Industry at Deer Lake.

3 GEORGE V., 1913.

Cap. 4.—An Act to incorporate the Conception Bay Electric Company, and for other purposes.

Cap. 5.—An Act to incorporate the Northern Electric Light and Power Company, and for other purposes.

Cap. 6.—An Act to incorporate the Dominion Trust Company.

Cap. 7.—An Act to incorporate the Eastern Trust Company.

Cap. 8.—An Act to confirm an agreement with the Orr-Newfoundland Company, Limited.

Cap. 9.—An Act to confirm an agreement with the Inter-Colonial Development Company, Limited.

Cap. 10.—An Act to amend 60 Vic. Cap. 18, entitled "An Act to incorporate the Roman Catholic Bishop of St. John's."

Cap. 11.—An Act to amend 60 Vic. Cap. 19, entitled “An Act to incorporate the Roman Catholic Bishop of Harbor Grace.”

Cap. 12.—An Act to amend 60 Vic. Cap. 20, entitled “An Act to incorporate the Roman Catholic Bishop of St. George’s.”

Cap. 13.—An Act respecting the extension of the Railway System of the Colony.

Cap. 14.—An Act respecting the construction of a Railway through Labrador.

Cap. 15.—An Act for the encouragement of the construction of Tramways at Bell Island.

Cap. 18.—An Act further to amend 56 Vic. Cap. 11, entitled “An Act to incorporate the Placentia Water Company.”

Cap. 24.—An Act for the confirmation of an agreement between the Government and the Marconi Wireless Telegraph Company of Canada, Limited.

4 GEORGE V., 1914.

Cap. 6.—An Act respecting the Newfoundland Railway and Train Ferry Syndicate, Limited.

Cap. 7.—An Act to amend 3 George V. Cap. 4, entitled “An Act to incorporate the Conception Bay Electric Company, and for other purposes.”

Cap. 8.—An Act to amend 2 Edward VII. Cap. 8, entitled “An Act to incorporate the United Towns Electrical Company, and for other purposes.”

5 GEORGE V., 1915.

Cap. 1.—An Act to incorporate the Newfoundland Master Builders’ Association.

Cap. 2.—An Act to amend 4 George V., Cap. 6, entitled “An Act respecting the Newfoundland Railway and Train Ferry Syndicate, Limited.”

XXXVIII. CON. STAT. PUBLICATION ACT, 1918.

Cap. 3.—An Act for the confirmation of a contract with the Newfoundland-American Packing Company Incorporated.

Cap. 4.—An Act for the confirmation of a contract with the Newfoundland Products Corporation, Limited.

Cap. 5.—An Act respecting the Grand Bank Water Company.

Cap. 7.—An Act to incorporate the Patriotic Fund.

6 GEORGE V., 1916.

Cap. 1.—An Act to incorporate the Union Electric Light and Power Company, and for other purposes.

Cap. 2.—An Act to incorporate the Salvation Army.

Cap. 14.—An Act to amend 3 George V., Cap. 14, entitled "An Act respecting the construction of a Railway through Labrador."

NOTE.

The following Local and Private Acts of date prior to 1892, were not repealed by the Consolidated Statutes 2nd. Series (1892) and therefore, although not included in Schedule B, are still in force:

St. John's Mechanics' Society Incorporation	4 Wm. IV, Cap. 22, 1834.
Congregational Church, Trusts	12 Vic., Cap. 14, 1849
Congregational Church, Trustees	16 Vic., Cap. 13, 1854.
New York, Nfld. and London Telegraph Co., Incorporation	17 Vic., Cap. 2, 1854.
New York, Nfld. and London Telegraph Co., Amendment	19 Vic., Cap. 12, 1856.
New York, Nfld. and London Telegraph Co., Amendment	20 Vic., Cap. 1, 1857.
Colonial and Continental Church Society, Incorporation	25 Vic., Cap. 11, 1862.
Harbour Grace Water Company, Incorporation	26 Vic., Cap. 5, 1863.

Colonial and Continental Church Society, Lands	26 Vic., Cap. 16, 1863.
Harbour Grace Water Co., Amendment	27 Vic., Cap. 4, 1864.
New York, Nfld. and London Telegraph Co., Amendment	30 Vic., Cap. 17, 1867.
Harbour Grace Water Co., Amendment	33 Vic., Cap. 6, 1870.
Harbour Grace Water Co., Amendment	34 Vic., Cap. 8, 1871.
Diocesan Synod, Lands, &c.	40 Vic., Cap. 17, 1877.
Presbyterian Incorporation	40 Vic., Cap. 18, 1877.
Newfoundland Railway, Incorp'n.	44 Vic., Cap. 2, 1881.
Harbour Grace Water Co., Amendment	44 Vic., Cap. 10, 1881.
Dry or Graving Dock	46 Vic., Cap. 5, 1883.
Heart's Content Water Supply	46 Vic., Cap. 21, 1883.
Carbonear Water Supply	47 Vic., Cap. 6, 1884.
Methodist Incorporation and Trust Act, 1884	47 Vic., Cap. 15, 1884.
Transfer of Cape Race Lighthouse to Canada	49 Vic., Cap. 4, 1886.
Harbour Grace Water Co., Amendment	50 Vic., Cap. 17, 1887.



PROCLAMATION.

By His Excellency Sir Charles Alexander-Harris, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Commander of the Royal Victorian Order, Governor and Commander-in-Chief in and over the Colony of Newfoundland.

C. ALEXANDER HARRIS,
Governor.
[L. S.]

Whereas by the Act 6, George V., (1916), Chapter 15, provision was made for the Revision and Consolidation of the Public General Statutes of the Colony, up to and inclusive of those passed in the Second Session of the Legislature in the Sixth Year of the Reign of His present Majesty :

And whereas by an Act 8-9 George V. (1918), Chapter 10, it is declared that it is expedient to make provision for giving the force of Law to the body of Statutes resulting from such Revision and Consolidation ;

And whereas by the said Act 8-9, George V. (1918), Chapter 10, it is provided that as soon as the Revision and Consolidation shall have been completed, the Governor-in-Council shall cause the Statutes so Revised and Consolidated to be arranged under appropriate Titles and Chapters, and shall cause a correct printed Roll of the Statutes so revised, consolidated and arranged as aforesaid, to be deposited in the Office of the Colonial Secretary, which Roll shall be held to be the original of the Consolidated Statutes (Third Series) ;

And whereas I, the Governor-in-Council, have caused a correct printed Roll of the Statutes so revised, consolidated and arranged, attested under my signature and counter-signed by the Colonial Secretary and Attorney General, to be deposited in the Office of the Colonial Secretary, which Roll it is provided shall be held to be the original of the Consolidated Statutes (Third Series) ;

And whereas by the said Act 8-9, George V. (1918), Chapter 10, it is further provided that the Governor-in-Council, after the deposit as aforesaid of the said Roll, may, by Proclamation, declare a day on and from and after which the said Consolidated Statutes (Third Series) shall come into force and have effect of law :

I do, therefore, with the advice of my Executive Council, by this my Proclamation, declare that on, from and after the Twelfth day of April, One Thousand Nine Hundred and Twenty, the said Consolidated Statutes (Third Series) shall come into force and have effect of law by the designation of "The Consolidated Statutes of Newfoundland (Third Series)"; of which all Courts, Justices and persons whomsoever shall take due notice and govern themselves accordingly.

Given under my Hand and Seal, at the Government House, St. John's, this Sixth day of April, A.D. 1920.

By His Excellency's Command,

R. A. SQUIRES,
Colonial Secretary.

THE
CONSOLIDATED STATUTES
OF
NEWFOUNDLAND
[THIRD SERIES.]

Including the Statutes down to the Session held in the
Year of Our Lord One Thousand Nine Hundred
and Sixteen, inclusive.

AN ACT
FOR REVISING AND CONSOLIDATING THE GENERAL
STATUTES OF NEWFOUNDLAND

[PASSED MAY 16TH, 1918.]

Be it enacted by the Governor, Legislative Council and House of
Assembly, in Legislative session convened, as follows:—

TITLE I.

PRELIMINARY

CHAPTER 1.

Of the Promulgation and Construction of Statutes.

SECTION

- 1.—All Acts public,
- 2.—Date of commencement.
- 3.—Publication in *Gazette* to be evidence
- 4.—Parchment not necessary.
- 5.—Repeal or alteration the same session

SECTION

- 6.—Sections.
- 7.—Construction of Acts; meaning of terms; general provisions.
- 8.—Repeal—various provisions.

1. All Acts shall be deemed public, and may be declared on and given in evidence without being specially pleaded.

2. The Clerk of the Legislative Council shall endorse on the back of every Act the day of the month and year of the Governor's assent thereto, and the endorsement shall be held part of the Act and shall be the date of its commencement, unless otherwise provided.

3. Printed copies of Acts published in the *Royal Gazette* newspaper in St. John's, or purporting to be published by the King's Printer for the Island, shall be evidence of such Acts.

4. No Act of the Legislature, nor any commission or other public document under the seal of the Colony, or under the privy seal of the Governor; nor any public writ, deed or other document, nor any portion of any such document shall, unless any act relating thereto expressly so provides, be required to be on parchment; but the same being written or printed wholly or in part on paper, shall be as valid in all respects as if written or printed on parchment; but nothing herein contained shall be construed as declaring that it was necessary to the validity of any such document heretofore signed, sealed or executed, that such document or any part thereof should be on parchment.

5. Any Act may be altered or repealed during the session in which it shall have passed.

6. All Acts shall be divided into sections, if there be more enactments than one, and each section shall be deemed to be a substantive enactment without any introductory words.

7. In the construction of Acts the following rules shall be observed, unless otherwise expressly provided for, or such construction would be inconsistent with the manifest intention of the Legislature or repugnant to the context, that is to say:—

The words “King” or “His Majesty,” shall include His Majesty, his heirs or successors.

“Governor,” shall include the person administering the Government of the colony for the time being.

“Newfoundland,” or “the Island,” or “this Island,” shall be held to mean and include the island of Newfoundland and the islands adjacent thereto.

“Colony,” or “the Colony,” or “this Colony,” shall be held to mean and include the Island of Newfoundland and the islands adjacent thereto, and Labrador and the islands adjacent thereto.

“Warrant,” shall signify warrant under hand and seal.

“Month,” shall signify a calendar month, and “Year,” a calendar year; “Year” alone, shall be equivalent to the expression “Year of our Lord.”

“Oath” or “Affidavit,” shall include affirmation in cases where by law an affirmation may be substituted for an oath or affidavit; and in like cases the word “Sworn” shall include the word “Affirmed.”

“Person” may extend to bodies politic and corporate as well as to individuals, and also to a class of persons.

“Justice” shall signify Justice of the Peace.

“Gaol” or “Common Gaol,” shall include penitentiary.

“Grantor” may be construed as including every person from whom any freehold estate or interest passes by instrument in writing, and “Grantee” as including every person to whom any such estate or interest passes in like manner.

“Highway” or “Road,” shall signify a public highway or road, and may also include public bridges.

“Goods” shall mean personal property.

“Representatives” shall mean executors and administrators.

“Wills” shall include codicils.

“Ship” or “Vessel,” shall mean any description of vessel or boat impelled by sails, steam or otherwise.

“Sureties” shall mean sufficient sureties, and “Security” sufficient security.

The word “may” shall be construed as directory, and the word “shall” as imperative, unless from the context a contrary intention shall appear.

Every word importing the singular number only may extend to several persons or things as well as to one person or thing; and every word importing the plural number only may extend to one person or thing as well as to several persons or things; and every word importing the masculine gender only may extend to females as well as males.

All words purporting to give a joint authority to three or more persons shall be construed as giving authority to a majority of such persons.

When authority to make appointments to public offices is conferred, it shall include the power to fill up vacancies caused by death, resignation or removal or refusal to act.

Where a penalty shall be imposed and no particular mode be prescribed for the recovery thereof, the same may be recovered in the name of any person who will sue therefor in the same manner and with the like costs as if it were a private debt due such person, the nature of the offence being briefly stated; and where no particular mode of applying any penalty shall be prescribed, the same shall be paid one half to the person who shall have sued for the same and the other half to the Minister of Finance and Customs for the use of the Colony.

The imposition of a penalty shall not relieve any person from liability to answer for special damages to a party injured.

When power to make bye-laws, rules or orders is conferred, it shall include the power to alter or revoke the same and make others. And no such bye-laws, rules or orders shall be enforced if contrary to law.

Where forms are prescribed, slight deviations therefrom, not affecting the substance nor calculated to mislead, shall not vitiate them.

Justices of the Peace may administer all oaths with regard to the taking of which no particular directions are given.

If the day upon which an act is to be done should fall on a Sunday, Christmas Day or Good Friday, the same shall be performed on the day following.

Where, in these Consolidated Statutes, the future tense or words implying futurity may be used, and there are already existing appointments or facts corresponding with what may be provided for by such future tense or words implying futurity, such appointments and facts shall be held to be intended by and to satisfy the requirements of the provisions of these Consolidated Statutes until new appointments or other proceedings shall become necessary.

When bonds are required to be given by a public officer, they shall be taken in His Majesty's name where not otherwise directed.

When the number to constitute a quorum in any Board under any Act shall not be prescribed, a majority of the Board shall be a quorum, and a chairman shall only have an equal vote with other members.

Words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his name of office, shall include his successors in such office and his and their deputies.

Whenever a penalty not exceeding two hundred dollars, or sentence of imprisonment not exceeding six months, may be imposed for any offence, unless otherwise provided, it shall be held that such offence may be tried in a summary manner before and the penalty or imprisonment imposed therefor by a Justice of the Peace.

Words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing him, re-appointing him, or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested.

If any sum of the public money is by an Act appropriated for any purpose, or directed to be paid by the Governor, then, if no other provision is made respecting it, such sum shall be payable under warrant of the Governor, directed to the Minister of Finance and Customs, out of the general revenue of the Colony; and all persons entrusted with the expenditure of any such sum, or any part thereof, shall account for the same in such manner and form, with such vouchers, at such periods, and to such officers, as the Governor may direct.

8. No Act or any portion of an Act that shall be repealed shall be revived unless by express enactment.

(a.) Where an Act shall be repealed in whole or in part, and other provisions substituted, all persons acting under the old law shall continue to act as if appointed under the new law, until others are appointed in their stead; and all proceedings taken under the old law shall be taken up

and continued under the new, when not inconsistent therewith, and all prosecutions may be taken and continued, and all penalties may be recovered and proceedings had in relation to matters which have happened before the repeal, in the same manner as if the law were still in force.

(*b.*) The repeal of an Act at any time shall not affect any act done or any right or right of action existing, accruing, accrued or established, or any proceedings commenced in a civil cause before the time when such repeal shall take effect; but the proceedings in such case shall be conformable when necessary to the repealing Act.

(*c.*) No offence committed and no penalty or forfeiture incurred, and no proceeding pending under any Act at any time repealed, shall be affected by the repeal, except that the proceedings shall be conformable where necessary to the repealing Act, and that where any penalty, forfeiture or punishment has been mitigated by any of the provisions of the repealing Act, such provisions shall be extended and applied to any judgment to be pronounced after such repeal.

(*d.*) All rules and regulations made under an Act before the repeal thereof shall continue valid until altered or annulled.

(*e.*) All appointments and all bonds and securities given by the parties appointed under any Act at any time passed and repealed shall not be affected thereby, but shall remain in full force; and all offices, establishments, books, papers and all other things made or used under a repealed Act, shall continue as before the repeal.

TITLE II.

OF THE LEGISLATURE

CHAPTER 2.

Of the House of Assembly.

SECTION

- 1.—Duration of House of Assembly.
- 2.—Number of members.
- 3.—Boundaries of districts.
- 4.—Power to establish rules.
- 5.—Privileges of House.
- 6.—Right of House or Committees to examine witness on oath.
- 7.—Affidavit or declaration may be made before clerk.
- 8.—False testimony—perjury.

SECTION

- 9.—Power of House to compel attendance of witness.
- 10.—Infringements of Act.
- 11.—Persons not liable for damages for act done by authority of House.
- 12.—Freedom of members from arrest, etc., in certain cases.
- 13.—*Bona fide* publication.
- 14.—Interpretation.
- 15.—Penal section.

16.—Proceedings—how taken.

1. The House of Assembly shall continue, notwithstanding the demise of His Majesty, for four years from the day on which it shall by proclamation be appointed to meet, unless sooner dissolved, and no longer.

2. The House of Assembly shall consist of thirty-six members, of whom ten shall form a quorum.

3. The representation in the House of Assembly shall be as follows, that is to say:—

(1.) The District of St. Barbe shall comprise all that part of the Island extending from Gregory River on the north side, north-easterly to Cape Bauld, and thence in a south-easterly direction to Cape St. John, with the islands adjacent thereto, and shall be represented in the House of Assembly by one member.

(2) The District of Twillingate shall consist of, and include, all that part of the coast of the Island situate and lying between Cape St. John and Farewell Head. From Farewell Head the eastern boundary of the said District shall follow the Western shore of Dog Bay to the head of the same Bay, thence south to a point twelve miles south (true) of the

forty-ninth parallel of north latitude and from this point west to the fifty-sixth meridian of west longitude, bounded thence by a line running south twenty-seven miles, to the latitude of Mount Cormack, thence west about ninety miles, thence to the intersection of the forty-ninth parallel of north latitude with the fifty-seventh meridian of west longitude, thence north along the said meridian about twenty-five miles, thence north fifty-seven degrees east about forty-three miles, and thence north sixty-seven degrees east to Cape St. John aforesaid, the bearings herein mentioned being from the true meridian and shall include the islands adjacent to the coast between Cape St. John and Farewell Head aforesaid, and shall be represented in the House of Assembly by three members.

- (3.) The District of Fogo shall consist of and include all that part of the Island situate and lying between Farewell Point and Cape Freels and the islands lying to the eastward of a line drawn true north and south from Farewell Point, and shall be represented in the House of Assembly by one member.
- (4.) The District of Bonavista shall consist of and include all that part of the Island which is situate and lying between Cape Freels and Cape Bonavista, with the islands adjacent thereto, and shall extend from the Middle Bill of Cape Freels west to a line drawn south from the head of Dog Bay, and by this line south to the Terra Nova River, and shall be represented in the House of Assembly by three members.
- (5.) The District of Trinity shall consist of and include all that part of the Island situate and lying between Cape Bonavista and Selby's Cove, in Trinity Bay, inclusive, with the islands adjacent thereto, and shall extend to and include all that section of the Island bounded and described as follows: that is to say, by a line starting at a point two miles and seventy chains south of the point separating Dildo Arm from Spread Eagle Bay in Trinity Bay, running thence south twelve miles, thence east six miles, thence north twelve miles and thence west six miles, bearing from the true meridian, and shall be represented in the House of Assembly by three members.

- (6.) The District of Bay-de-Verde shall consist of and include all that part of the Island situate and lying between Selby's Cove in Trinity Bay and Split Point, and thence to and including Freshwater in Conception Bay, with the islands adjacent thereto, and shall be represented in the House of Assembly by two members.
- (7.) The District of Carbonear shall consist of and include all that part of the Island situate and lying between Harbor Grace, exclusive, and Freshwater, exclusive, and shall be represented in the House of Assembly by one member.
- (8.) The District of Harbor Grace shall consist of and include all that part of the Island situate and lying between Port-de-Grave, exclusive, and Harbor Grace inclusive, including Harbor Grace Island, and shall be represented in the House of Assembly by three members.
- (9.) The District of Port-de-Grave shall consist of and include all that part of the Island situate and lying between Turk's Gut, exclusive, and Port-de-Grave, inclusive, and shall be represented in the House of Assembly by one member.
- (10.) The District of Harbor Main shall consist of and include all that part of the Island situate and lying between the District of St. John's and Turk's Gut, inclusive, and shall be represented in the House of Assembly by two members.
- (11) The District of St. John's shall consist of and include all that part of the Island bounded by the shore from Petty Harbor Motion to Cape St. Francis, and thence by the shore to and including Broad Cove on the south shore of Conception Bay, and north and east of a line drawn from Broad Cove aforesaid to the northern Goulds bridge on the Bay Bulls road, and thence to Petty Harbor Motion aforesaid, and shall also include Bell Island in Conception Bay, and shall be represented in the House of Assembly by six members: of whom three shall be chosen by the electors of the said district residing southward of St. John's harbor and westward of a line drawn from said harbor through the centre of Beck's Cove, thence across Duckworth Street round the west side of Play-house Hill along the centre of Carter's Hill, and thence along Freshwater Road to the west end thereof, and thence in a direct line to St. Philip's settlement, inclusive, which shall be called the division

of Saint John's West; and three by the electors of the said district residing eastward of the above-named cove, line, lane and roads, including Bell Island, which shall be called the division of St. John's East.

- (12.) The District of Ferryland shall consist of and include all that part of the Island which, bounded by the shore, is situate and lying between the northern Goulds bridge on the Bay Bulls road and Cape Race, inclusive, and shall be represented in the House of Assembly by two members.
- (13.) The District of Placentia and St. Mary's shall consist of and include all that part of the Island which, bounded in like manner, is situate and lying between Cape Race and Rushoon West, and shall be represented in the House of Assembly by three members.
- (14.) The District of Burin shall consist of and include all that part of the Island which, bounded in like manner, is situate and lying between Rushoon West, in Placentia Bay, and Frenchman's Cove, in Fortune Bay, both places inclusive, and shall be represented in the House of Assembly by two members.
- (15.) The District of Fortune Bay shall consist of and include all that part of the Island which, bounded in like manner, is situate and lying between Garnish, in Fortune Bay, and Bonne Bay, in Hermitage Bay, both inclusive, and shall be represented in the House of Assembly by one member.
- (16.) The District of Burgeo and La Poile shall consist of and include all that part of the Island which, bounded in like manner, is situate and lying between the Western Point of Bonne Bay, in Hermitage Bay, and Cape Ray, both inclusive, with the islands adjacent thereto, and shall be represented in the House of Assembly by one member.
- (17.) The District of St. George shall consist of and include all that part of the Island on the West lying between Cape Ray and Cape Gregory, with the islands adjacent thereto, and shall be represented in the House of Assembly by one member.

4. The House may establish rules for its government and the attendance of its members, and the conduct of its business, and may alter, amend and repeal the same: Provided that no such rules shall be altered.

amended or repealed except by a vote of two-thirds of the members of such House: Provided also, that no rule or order of such House shall affect in any way, by fine or imprisonment, any member of such House; and provided that no such rule or order, or anything in this chapter shall, or shall be construed to, limit or restrict the liberty and privilege of speech or debate of such House, or any rights or privileges of such House now existing.

5. Upon any enquiry touching the privileges, immunities or powers of the House of Assembly, or any of the committees or members thereof, respectively, any copy of the Journals of such House, printed or purporting to be printed by the order of the same, shall be admitted as *prima facie* evidence of such Journals by all Courts, Justices and others, without any proof being given that such copy was so printed.

6. The House or any committee may require that facts, matters and things relating to the subject of enquiry before the House or such committee be verified or otherwise ascertained by the oral examination of witnesses, and may examine such witnesses upon oath; and for that purpose the Speaker or Clerk of the House, or the Chairman or Clerk of such committee, may administer an oath in the form following, or to the like effect, to any such witness:—

“The evidence you shall give to the House (or committee) touching (stating here the matter *then under consideration*) shall be the truth, the whole truth, and nothing but the truth. So help you God.”

7. Where witnesses are not required to be orally examined before the House, or a committee thereof, any oath, affirmation, declaration, or affidavit in writing, which is required to be made or taken by or according to any rule or order of such House or committee, and in respect of any matter or thing pending or proceeding before such House or committee, may be made and taken before the Clerk of the House, any Commissioner for taking affidavits in the Supreme Court, or any Notary Public.

8. Any person examined before the House or any committee thereof, who shall wilfully give any false testimony on any question material to the subject matter which the House or such committee is then engaged in investigating or enquiring into, shall be guilty of the crime of perjury, and, on indictment therefor and conviction thereof before the Supreme Court, be subject to the penalties now attaching to the crime of perjury.

9. The House may at all times command and compel the attend-

ance before the House, or before any committee thereof, or before any joint committee of the Legislative Council and the House, of such person, and the production of such papers and things as such House or committee may deem necessary for any of its proceedings or deliberations. Any person neglecting or refusing to attend, or to produce such papers and things before such House or committee, shall be guilty of a violation of this chapter: Provided, that no person shall be liable to produce any paper or document which he would not be compelled to produce in a Court of Justice or from the production of which he may be privileged by law.

10. The following acts, matters and things are prohibited and shall be deemed infringements of this chapter:—

- (1.) Assaults upon members of the House during any Session of the Legislature.
- (2.) Obstructing, threatening, or attempting to force or intimidate members of the House.
- (3.) The refusal or failure of any officer of the House, or other person, to obey any rule, order or resolution of the House.
- (4.) The offering to, or acceptance by, any member of a bribe to influence him in his proceedings as such member.
- (5.) Assaults upon, or interference with, the officers of the House, while in the execution of their duty.
- (6.) Tampering with any witness in respect to his evidence, to be given to the House or any committee thereof, or directly or indirectly endeavouring to deter or hinder any person from appearing or giving evidence.
- (7.) Presenting to the House or to any committee thereof, any forged or falsified document with intent to deceive such House or committee.
- (8.) Forging, falsifying or unlawfully altering any of the records of the House or of any committee, or any document or petition presented or filed or intended to be presented or filed before such House or committee, or the setting or subscribing by any person of the name of any other person to any such document or petition with intent to deceive.

11. No person shall be liable, in damages or otherwise, for any act done under authority of the House, and within its legal power, or

under or by virtue of any warrant issued under such authority. All such warrants may command the aid and assistance of sheriffs, bailiffs, constables and others; and every refusal or failure to give such aid or assistance, when required, shall be an infringement of this chapter.

12. No member of the House shall be liable to any civil action or prosecution, arrest, imprisonment or damages, by reason of any matter or thing brought by him by petition, bill, resolution, motion, or otherwise, or said by him, before such House.

13. It shall be lawful in every civil proceeding against any person for printing any extract from, or abstract of any report, paper, votes or proceedings of the House, to give evidence (under the general issue or denial) of such report, paper, votes or proceedings to show that such extract or abstract was published *bona fide* and without malice; and if such shall be the opinion of the Court, or of the jury, as the case may be, judgment shall be rendered or a verdict shall be entered for the defendant.

14. In this chapter the word "House" shall mean the House of Assembly of Newfoundland, and the word "Committee" shall mean any standing or select committee of the House, or any joint committee of the Legislative Council and the House.

15. Any persons violating sections nine and ten of this chapter shall, upon conviction, be subject to a penalty not exceeding one hundred dollars; and, in default of payment, to be imprisoned for such time (not exceeding three months), during the session of the Legislature then being held, as may be determined by the House.

16. Proceedings for enquiry into any violation of the said sections shall be had and taken by the House or a committee thereof, and the warrant or summons of the Speaker or chairman of such committee shall have the effect and force of a summons or warrant of a stipendiary magistrate.

CHAPTER 3.

Of the Election of Members of the House of Assembly.

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- 1.—Short Title.
- 2.—Division of Act.
- 3.—Interpretation section.
- 4.—Qualification of electors.
- 5.—Disqualification of Judges.
- 6.—Disqualification of Returning Officers.
- 7.—Registration necessary before voting.
- 8.—Registration of electors.
- 9.—Governor in Council to make rules for registration.
- 10.—Publication of lists by affixing in public places.
- 11.—Names of all qualified persons to be inserted in lists.
- 12.—Respecting Courts of Revision.
- 13.—Duties of Justices.
- 14.—Justices objection to electors.
- 15.—Signing of lists by justices.
- 16.—Copies of lists to be kept by justices.
- 17.—Objections to electors.
- 18.—Respecting the holding of Courts of Revision.
- 19.—Respecting revised lists.
- 20.—Respecting persons absent.
- 21.—Power to adjourn Courts.
- 22.—Determination of claims.
- 23.—Lists to be copied in alphabetical order.
- 24.—Register to be delivered to Chief Magistrate.
- 25.—Respecting appeal.
- 26.—No new registration within a year.
- 27.—Magistrates may be directed to hear appeals.
- 28.—Respecting the Election writ.
- 29.—Certain persons not to be appointed Returning Officers.
- 30.—Form of Writ.
- 31.—Respecting days for nomination of Candidates.
- 32.—Respecting polling districts and stations.
- 33.—Certain additional polling stations.
- 34.—Duties of Returning Officers.
- 35.—Duties of Returning Officers.
- 36.—Duties of Deputy Returning Officers.
- 37.—Materials to be furnished Returning Officers.
- 38.—Respecting Ballot Boxes.
- 39.—Endorsation of Writ.
- 40.—Appointment of Election Clerk.
- 41.—Certain persons not to act as officials.
- 42.—Duties of Election Clerk.
- 43.—Respecting the posting of proclamations.
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- 45.—Hours for nomination.
- 46.—Respecting nomination.
- 47.—Respecting the nomination paper.
- 48.—Respecting oaths of signatories of nomination paper.
- 49.—Proclamation of candidates nominated.
- 50.—Qualification of candidates.
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- 52.—Respecting Returning Officer's report.
- 53.—Respecting the granting of a poll.
- 54.—Withdrawal of candidate.
- 55.—Duty of Returning Officer when poll granted.
- 56.—Respecting the ballot paper.
- 57.—Returning Officer may preside at station.

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- 58.—Appointment of Poll Clerks.
- 59.—Poll Clerk to act as Deputy in certain cases.
- 60.—Appointment of Poll Clerk.
- 61.—Respecting Candidates' Agents.
- 62.—Penalty for certain persons acting as agents.
- 63.—Candidates may perform duties of agent.
- 64.—Respecting presence of agents during performance of certain acts.
- 65.—Respecting polling stations.
- 66.—Respecting the oath of officials.
- 67.—Respecting the secrecy of Polling Station.
- 68.—Respecting Supplementary Lists.
- 69.—Hours for polling.
- 70.—Opening of poll.
- 71.—Persons in polling station.
- 72.—Electors to vote at proper station.
- 73.—Certain persons entitled to vote at any station.
- 74.—Manner of voting.
- 75.—No person to vote more than once.
- 76.—Respecting a second vote.
- 77.—Manner of voting.
- 78.—Manner of marking ballot paper.
- 79.—Voters to be assisted in certain cases.
- 80.—Persons requiring assistance to be first sworn.
- 81.—Person leaving station not to be again admitted.
- 82.—Respecting second ballot.
- 83.—Penalty for taking ballot paper out of station.
- 84.—Respecting Voters' List.
- 85.—Electors may be sworn in certain cases.
- 86.—Electors to vote without delay.
- 87.—Respecting adjournment of poll.
- 88.—Duties of Deputies after close of poll.
- 89.—Respecting packets of counterfoils.
- 90.—Appointment of messenger.
- 91.—Respecting counting of votes.
- 92.—Persons present at counting.
- 93.—Respecting adjournment of count.
- 94.—Respecting lost Ballot Box.
- 95.—Duties of Returning Officer at count.
- 96.—Count to proceed continuously.
- 97.—Returning Officer to note objections and decide same.
- 98.—Respecting ballots in missing box.
- 99.—Respecting ballots in missing box and second poll.
- 100.—Counting ballots of second poll.
- 101.—Duty of Returning Officer in case of equality of votes.
- 102.—Duty of Returning Officer at conclusion of count.
- 103.—Respecting the Returning Officer's return.
- 104.—Returning Officer to forward certain things to Colonial Secretary.
- 105.—Penalties for misconduct of Returning Officer.
- 106.—Publication of Return in *Royal Gazette*.
- 107.—Respecting inspection of ballot papers.
- 108.—Papers to be kept one year.
- 109.—Recount by Court.
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- 111.—Witnesses not privileged.
- 112.—Certain officials to be Justices.
- 113.—Assistance of Peace officers.
- 114.—Power to arrest.
- 115.—Respecting offensive weapons.
- 116.—Penalty.
- 117.—Penalty for battery during election.
- 118.—Respecting the sale of intoxicating liquors.
- 119.—Penalty in respect of election documents.
- 120.—Penalties in respect of ballot papers.
- 121.—Penalty for neglect by officials.
- 122.—Penalty for wilful defaults.
- 123.—Recovery of penalties.
- 124.—Procedure.
- 125.—Competent witnesses.
- 126.—Laying property in indictments.
- 127.—Power of Court in criminal prosecutions.
- 128.—Recovery of costs.
- 129.—Proof of holding of election.
- 130.—Limitation of actions.
- 131.—Certified copies from Colonial Secretary.
- 132.—Respecting the taking of oaths.
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- 134.—Governor may make rules.
- 135.—Non-compliance with forms not to effect election.
- 136.—Respecting copies of Act and instructions.
- 137.—Treating between nomination and polling.
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- 139.—Respecting party badges.
- 140.—Penalty.
- 141.—Respecting sale of intoxicating liquors.
- 142.—Respecting treating.
- 143.—Respecting the hiring of vehicles.
- 144.—Respecting personation.
- 145.—Respecting the procuring of personation.
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- 147.—Certain persons deemed guilty of bribery.
- 148.—Respecting intimidation.
- 149.—Respecting public works.
- 150.—Respecting travelling on Government steamers.
- 151.—Respecting interference with Returning Officer.
- 152.—Respecting official positions by Government employees.
- 153.—Respecting payment of agents.

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- 154.—Fees.
- 155.—Respecting corrupt practices.
- 156.—Privilege of witnesses.
- 157.—Respecting contracts.
- 158.—Respecting furnishing of accounts to candidates.
- 159.—Return of expenses by candidates.
- 160.—Officials not to act as agents.
- 164.—Payment of Judges.
- 195.—Certain corrupt practices may not avoid election.
- 161.—Interpretation of personal expenses.
- 162.—Recovery of penalties.
- 163.—Respecting costs.
- 164.—Limitation of action.
- 165.—Procedure.
- 166.—Respecting election petition.
- 167.—Form of petition and service thereof.
- 168.—Notice of presentation.
- 169.—Preliminary objection.
- 170.—Respecting the answer.
- 171.—Docket of petition.
- 172.—Trial of petition.
- 173.—Notice of trial.
- 174.—Adjournment of trial.
- 175.—Certificate by Judges to Governor.
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- 177.—Respecting report as to corrupt practices.
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- 179.—Respecting special case.
- 180.—Respecting evidence at trial.
- 181.—Respecting directions by Governor after certificate of Judge.
- 182.—More than one may be respondents to same petition.
- 183.—Consolidation of petitions.
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- 185.—Application of English rules.
- 186.—Withdrawal of petition.
- 187.—Withdrawal in case of several petitioners.
- 188.—Costs in case of withdrawal.
- 189.—Abatement of petition.
- 190.—Respecting costs.
- 191.—Additional fees.
- 192.—Powers of Court.
- 193.—Judges to be deemed Supreme Court.
- 196.—Candidate may not be subject to disabilities in certain cases.

PART I.

PRELIMINARY.

1. This Chapter may be cited as "The Election Act, 1913."

2. This Chapter is divided into parts, as follows:

Part I—Preliminary.

Part II—Qualification and Registration of Electors.

Part III—Election of Members of the House of Assembly.

Part IV—Corrupt and Illegal Practices.

Part V—Trial of Controverted Elections.

3. In this Chapter unless the context otherwise requires—

(a) The expression "person" means a male person;

- (b) The expression "Electoral District" means any place entitled to return a member or members to the General Assembly of Newfoundland;
- (c) The expression "Polling Station" means the place where polling is authorized by law to take place;
- (d) The expression "List of Electors" means the list of persons qualified by law to vote at the election of a member of the General Assembly of Newfoundland;
- (e) The expression "Voters' List" means the list kept by a Polling Clerk at an Election.

PART II.

QUALIFICATION AND REGISTRATION OF ELECTORS.

Qualification.

4. Every male British subject of the full age of twenty-one years, who for two years preceding the day of election has been resident in this Colony and is of sound understanding, shall be competent to vote for the election of members of the House of Assembly in and for the Electoral District or division of a District, as the case may be, within which he is an actual and *bona fide* resident at the time of the preparation of the list of electors or supplementary list of electors, as the case may be: Provided that any person temporarily employed or staying in any district or division of a district, as the case may be, and intending at the termination of his employment or stay to return to his home in another part of the Colony, shall not be deemed to be an actual or *bona fide* resident within the meaning of this section.

5. The Judges of any Court now existing or hereafter created, whose appointment rests with the Governor, shall be disqualified and incompetent to vote at any election.

6. Returning Officers and Election Clerks shall be disqualified and incompetent to vote at any election for the Electoral District for which they hold office or position respectively, except that the Returning Officer, at any election, may, as hereinafter provided, vote in the case of an equality of votes between candidates.

7. Except as hereinafter provided as to Supplementary Lists, no person shall be entitled to vote at the election of any member to serve in

the House of Assembly whose names shall not have been previously registered in the manner required by this Chapter.

Registration.

8. Except as hereinafter provided, the Governor in Council shall, before any election is appointed to take place, direct that the district or districts in which such election is to take place shall be divided into so many parts as shall appear necessary, and shall assign each part or division to a Justice or Justices of the Peace for the purposes of procuring and revising the list of electors required by this Chapter and such Justice or Justices shall give orders and instructions in writing to such persons as he or they may appoint to make out alphabetical lists, according to the form of Schedule A. to this Chapter, of all persons entitled to vote at any election of a member of the House of Assembly who reside at such places or within such limits as such Justices may by such orders or instructions assign to such persons respectively, and of all persons who shall claim to be inserted in such lists. Every person so appointed, before entering upon such duties, shall be sworn faithfully to perform the same, before a Justice of the Peace.

9. The Governor in Council may make all such rules and regulations as may be deemed necessary for the more efficient preparation and revision of the lists of electors provided for by this Chapter, and impose fines and penalties for the violation or non-observance thereof, and said rules and regulations, upon publication thereof in the *Royal Gazette*, shall have the force and effect of law.

10. The persons appointed to prepare the lists shall cause copies thereof to be fixed on the Court House or near the doors of all churches, or other places of public worship within their respective limits; or if there be no such Court House, church or place of public worship, then on some public place within such limits, and shall also affix thereto a notice according to the form of Schedule B. to this Chapter, requiring all persons whose names are not included in such lists, and who may consider themselves entitled to vote at such election, to deliver or transmit to the said persons by whom such lists have been respectively prepared, on or before the time mentioned in such notice, a notice of their claim as such electors, according to the form of Schedule C., or to that effect.

11. The persons appointed as aforesaid shall, to the best of their knowledge and information, insert the names of all qualified persons into such lists, and deliver and duly make return of all such lists to the

Justices by whose directions such persons have acted in making out such lists.

12. The said Justices shall have the power at any time before the holding of the Courts of Revision, provided for by this Chapter, to summon before them at any reasonable times all persons whomsoever who may be able or supposed to be able to give evidence or other information necessary for the correct preparation of the said lists, and to examine the said persons upon oath, and to require such persons to produce any books, registers, documents or papers in their possession, and considered necessary for the said purpose, and any person refusing to attend upon any such summons or to give the evidence or information asked for, or to produce any such book, register, document or paper, shall be liable to the same penalties as would apply in case of a similar refusal by a witness in an ordinary summary proceeding before a Justice.

13. The said Justices shall, on or before the day appointed for that purpose by them, make out according to the form of Schedule E. to this Chapter, a general alphabetical list of all persons within the several divisions of their respective districts entitled to vote at such election, or who shall claim to be inserted in such List of Electors in the election of a member for such District.

14. The said Justices, if they shall have reasonable cause to believe that any person so claiming, or whose name shall appear in the register for the time being, is not entitled to vote in the election of a member for the District in which his place of residence is stated to be situate, shall add the word "objected to" opposite the name of every such person on the margin of such list.

15. The Justices, or one of them, in such respective division of the District, shall sign such list, and shall cause a sufficient number of copies thereof to be written or printed, and to be fixed on the Court House or near to the doors of all the churches or other places of public worship therein; or, if there be none such, then to be posted up in some public places therein.

16. The Justices shall likewise keep a true copy of such list, to be perused by any person, without payment of any fee, at all reasonable hours during the period of the sitting of their respective Courts of Revision, after the said list shall have been made.

17. Every person who shall be upon the Register for the time being

of electors of any District, or any constable of a District or person appointed to prepare a list of electors, may object to any person as not having been entitled to have had his name inserted in any list of electors for such District; and every person so objecting (save and except Justices objecting in the manner hereinbefore mentioned) shall, on or before the opening of the Court of Revision, give or cause to be given a notice in writing in the form of Schedule D. to this Chapter, or to the like effect, to the Justices who shall have made out the list in which the name of the person so objected to shall have been inserted; and the person so objecting shall also, on or before the said time, give to the person objected to, or leave at his place of abode as described in such list, a note in writing according to the form of said Schedule D., or to the like effect.

18. On a day to be appointed and publicly notified by them, the Justices shall hold open Courts of Revision at the places within their respective divisions of Districts, and such Court shall be held by one or more Justices; and such Justices respectively shall there produce the several lists of electors so taken for that division of such District, and also a list of the persons objected to; and the persons who have made the several lists shall answer upon oath all such questions as the said Justices may put touching any matter necessary for revising the list of electors. And such Justices shall retain on the list of electors the names of all persons to whom no objection shall have been made in the manner hereinbefore mentioned, and shall also retain on the list of electors the name of every person who shall have been objected to, unless the party objecting shall appear by himself, or someone else on his behalf, in support of such objection; and where the name of any party, inserted in the list of electors, shall have been objected to by any person, and such person so objecting shall appear by himself, or someone on his behalf, in support of such objection, every such Justice shall require it to be proved that the person objected to was entitled on the opening of the said Court of Revision to have his name inserted in the list of electors; and in case the same shall not be proved to the satisfaction of such Justices, the name of such person shall be expunged from the list; and if it shall happen that any person who shall have given to the said Justice, or the person who has prepared the list respectively, due notice of his claim to have his name inserted in the list of electors, shall have been omitted by such Justice or person from the said list, such Justice shall, upon the revision of such list, insert the name of the person so omitted, in case it shall be proved to the satisfaction of such Justice that such person gave due notice of his claim and that he was entitled, on the opening of the said Court of Revision to be inserted in the list of electors.

19. After the formation of a revised list of electors, no person whose name shall be upon such list shall be required thereafter to make the claim prescribed in section 18, so long as he shall retain the qualification and continue in the place of abode described in such list.

20. Any person who may have been absent from his usual dwelling place during the whole time when the list was posted up in such place, and whose name shall have been omitted from such list, may at any time before the closing of the Court of Revision give notice to the revising Justice of his claim to be inserted in such list, and such revising Justice shall, if satisfied of his right to be inserted in such list, insert his name therein accordingly.

21. All Justices, holding any Court under this Chapter, shall have power to adjourn the same from time to time for the space of ten days, and from any one place to any other place within their respective divisions of the District; and shall have power to administer oaths to all persons objected to or claiming to be inserted in any such lists and to all witnesses who may be tendered on either side and if any person taking any oath under this Chapter shall wilfully swear falsely, such person shall be guilty of perjury and be punished accordingly.

22. Such Justices shall, upon such hearing in open Court, determine upon the validity of all claims and objections, and shall write their names or initials against the names respectively struck out or inserted, and against any part of the said lists in which any mistake shall have been corrected and shall sign their names to every page of the several lists revised; and such lists of electors so signed shall be kept among the records of the Courts of the respective districts.

23. Such Justices shall forthwith cause the said lists to be truly copied, in alphabetical order, in a book or register; and shall prefix to every name so copied out its proper number, beginning the numbers from the first name and so continuing to the last name.

24. Such register or book of electors shall be completed and delivered to the chief magistrate of the District; and a true copy of such register shall be transmitted by such chief magistrate to the Colonial Secretary.

25. Any person claiming to vote in the election of a member for any District aforesaid, who shall feel aggrieved by the decision of any Justice

as to his claim to vote, may appeal to the Magistrate or Justice who is directed by the Governor in Council to hear such appeals in the said District; and the said Magistrate or Justice shall revise and alter the said list of voters by the addition of the name of such person, if it shall appear to the satisfaction of such Magistrate or Justice that such person was, on the opening of the Court of Revision, duly qualified to vote as an elector of said District.

26. In the event of any election being appointed to take place at any time before the expiration of one year from the time when such lists shall have been last taken and revised, it shall not be necessary to take or revise any new lists, but the lists last taken and revised shall be the revised lists of electors for such election.

27. The Governor in Council may direct a Stipendiary Magistrate or Justice in any District to hear appeals provided in section 25 of this Chapter, and the Magistrate or Justice so directed shall have full power to hear and determine the same.

PART III.

ELECTION OF MEMBERS OF THE HOUSE OF ASSEMBLY.

28. Every writ for the election of a member of the House of Assembly shall be dated and returnable on such day, and shall be addressed to such person as the Governor shall determine, and such person shall be the Returning Officer at such election; provided always, that if the person to whom the writ is addressed refuses, or is disqualified, or is unable to act, the Governor may appoint another person to be such Returning Officer.

29. None of the persons hereinafter mentioned shall be appointed Returning Officers, or Deputy Returning Officers, Election Clerks or Poll Clerks, or to any other office in connection with the said election or registration of voters therefor, that is to say:

- (a) Members of the Executive Council;
- (b) Members of the Legislative Council or House of Assembly;
- (c) Ministers, Priests or Ecclesiastics of any religious faith or worship;
- (d) Judges of the Supreme or District Courts;

- (e) Persons who have served in the Legislature in the session immediately preceding the election, or in the then present session.
- (f) Persons who have been found guilty by any Court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty under this Chapter.
- (g) Persons who are intending candidates.

30. The Writs of Election shall be in the form of Schedule F. to this Chapter, and in case of elections held out of the Electoral District of St. John's shall immediately after the issuing thereof, be transmitted to the respective Returning Officers.

31. The Governor shall, by Proclamation, fix the days and places of nomination and the days of polling in the several Electoral Districts, and not less than twenty-one days shall intervene between the publication of the Proclamation and the day of polling. At every general election one and the same day shall be fixed for the nomination, and one and the same day for the polling in all the electoral districts, and the day for holding the poll shall be the tenth day next after the expiration of the day fixed for the nomination of candidates. The Court House, or some other public or private building in the most convenient locality for the great body of the electors of each electoral district, shall be the place fixed for the nomination of candidates.

32. The Governor, by proclamation, shall constitute polling districts or sections and appoint polling stations, and may, if expedient, by proclamation, from time to time, alter the same or appoint additional polling stations: Provided that it shall be unlawful after the day fixed by proclamation for the nomination of candidates for any additional polling station to be appointed or for any of the polling stations previously appointed to be altered.

33. In addition to the polling districts constituted and the polling stations appointed in the several electoral districts outside of St. John's district, the Governor, by proclamation, shall appoint in the town of St. John's one or more polling stations for each of the said electoral districts, and each polling station so appointed shall be under the control and supervision of the Returning Officer of its respective electoral district; and for the purposes of this Chapter shall be deemed to be a polling station within the electoral district for which it is appointed. Such

polling stations shall be kept open from the hour of eight o'clock in the morning until eight o'clock in the evening of the day of polling.

34. The Returning Officer for each of the said districts shall furnish the Deputy Returning Officer at St. John's with a full and complete copy of the revised list of electors for such electoral district, and electors resident in any place in such electoral district shall be entitled to vote at said polling station.

35. The Returning Officer shall also furnish the said Deputy Returning Officer with a ballot box and a sufficient number of ballot papers, consecutively numbered upon the back, and upon the counterfoil, as provided by this Chapter, and shall keep a correct account of the number of ballot papers so furnished. He shall also furnish such Deputy Returning Officer with a number of copies of the printed directions for the guidance of voters, which said Deputy Returning Officer shall have posted in the manner prescribed.

36. The Deputy Returning Officer at such polling station in St. John's shall seal up and deliver to the Returning Officer or his messenger the ballot box, ballots and counterfoils, as hereinafter set forth: Provided that in the absence of the candidates or their agents the presence of any three persons shall be sufficient, whether they be electors of the electoral district for which the polling station is appointed or not.

37. At the same time that the election writs are transmitted, the Colonial Secretary shall provide each Returning Officer with the following materials:—

- (a) A duly certified list of electors qualified to vote in the electoral district;
- (b) Ballot box for each polling station in the electoral district;
- (c) Materials for voters in each polling station of the electoral district to mark their ballot papers;
- (d) At least ten copies for each polling station of the printed directions for the guidance of voters set forth in Schedule O of this Chapter.
- (e) Copies of the proclamation mentioned in sections 31 and 32 of this Chapter.

38. The ballot boxes shall be made of durable material, each box being provided with a lock and key and a convenient aperture for deposit-

ing the ballots therein, and shall be so constructed as to secure the ballots deposited therein from loss or illegal interference. Such ballot boxes shall be under the control of the Colonial Secretary, who shall preserve them for use at elections.

39. On receiving the writ of election the Returning Officer shall endorse thereon the date of his receiving the same, and shall forthwith take the oath of office in form of Schedule G, which shall be administered by a Justice of the Peace.

40. After taking the oath of office, the Returning Officer shall forthwith, by writing, in the form of Schedule H, appoint an Election Clerk, and may at any time during the election appoint in the same manner another Election Clerk, in case the one so appointed shall resign, refuse or be unable to perform his duties as such. The Election Clerk shall, before acting, take the oath of office in the form of Schedule I.

41. No person shall act as Deputy Returning Officer, Election Clerk or Poll Clerk for the purposes of an election, who is at the time of the election, or has within one month before the election, been in the constant or permanent service of a candidate, or who has been employed by any candidate or his agent, or any other person on his behalf or in his interest in or about the election, under a penalty not exceeding one hundred dollars, to be recovered from such person in a summary manner before a Stipendiary Magistrate by any person who shall sue for the same.

42. The duty of the Election Clerk shall be to assist the Returning Officer in the performance of his duties, and to act in his stead as Returning Officer whenever the Returning Officer shall be unable or shall refuse to perform his duties and shall not have been replaced by another, and in such a case he shall have the same power to appoint an Election Clerk as section 40 of this Chapter confers upon the Returning Officer first appointed.

43. On receiving the proclamations mentioned in sections 31 and 32 of this Chapter, the Returning Officer shall cause copies of them to be posted up at the several polling stations within the electoral district, together with notices in the form of Schedule J to this Chapter, of the place and time of nomination, the places and time of polling, and the place of declaring the result of the poll.

44. Where the Returning Officer or his Deputy is by this Chap-

ter required or authorized to give any public notice, and no special mode of giving the same is mentioned, he may give the same by advertisement, placards, handbills or such other means as he may think best calculated to give the information to the electors.

45. The time appointed for the nomination of candidates shall be from the hour of ten in the morning until the hour of two in the afternoon of the day fixed for that purpose.

46. The nomination of candidates shall be by writing, in the form of Schedule K, signed by two electors, giving the name, residence and description of each candidate, and filed with the Returning Officer at the time and place of nomination, or at any other place and at any other time between the date of the proclamation, mentioned in section 31, and the time of nomination. Each candidate shall be nominated by a separate nomination paper; but the same electors, or any of them, may subscribe as many nomination papers as there are members to be elected.

47. No nomination paper shall be valid and acted upon unless it shall be accompanied by the written consent of the person therein nominated, except when the candidate is absent from the place at which the nomination is held, when such absence shall be stated in the nomination paper; nor unless the sum of one hundred and fifty dollars be paid to the Returning Officer on delivery of the nomination paper. Of the sum so paid, the Returning Officer shall return one hundred and thirty dollars to any candidate elected without opposition, and the sum of seventy-five dollars to any successful candidate in a contested election, and the same amount to any unsuccessful candidate who shall poll one-third of the total number of votes polled by any successful candidate at the same election in the same electoral district.

48. The Returning Officer shall require the oath of one or more electors that the several persons signing any nomination paper are electors and entitled to vote; that they have signed the paper in the presence of such persons or one of them; that the candidate has signed the consent produced, or is absent from the place where such nomination is held and has consented to his nomination. Such oath shall be in the form of Schedule L to this Chapter and the fact of its having been taken shall be stated by the Returning Officer on the back of the said nomination paper.

49. The qualification of persons to be elected to serve as members of the House of Assembly shall be a net annual income, arising from any

source whatever, of four hundred and eighty dollars, or the possession of property exceeding two thousand four hundred dollars, clear of all incumbrances; and the length of the period of residence within the Colony shall be a period of two years next preceding such election; and every candidate for such election shall be a male British subject of the full age of twenty-one years, of sound understanding, and never having been convicted in due course of law of any infamous crime.

- (a) Every candidate for election present at the nomination of candidates shall, before nomination, deliver, or cause to be delivered, to the Returning Officer, a declaration signed by himself and sworn before the Returning Officer, which declaration shall be according to one of the forms in Schedule M. 1, and M. 2, of this Chapter according as the qualification may be in income or property.
- (b) Before any candidate for election not present at the nomination of candidates shall be put in nomination, a declaration in the form of Schedule M. 3 or M. 4 shall be delivered to the Returning Officer, according as the qualification is in income or property, signed by the candidate or by two electors, and sworn before a Stipendiary Magistrate, a Justice of the Peace, or the Returning Officer.

50. The Returning Officer, being furnished with the nomination paper mentioned in section 46, and sections 47, 48 and 49 having been complied with, shall publicly proclaim that such person has been duly nominated as a candidate for the election, and shall give a certified list of the candidates nominated to any candidate or agent applying for the same.

51. Whenever only one candidate, or only such a number of candidates as are required by law to be elected to represent the Electoral District for which the election is held, has or have been nominated within the time fixed for that purpose, the Returning Officer shall forthwith make and transmit to the Colonial Secretary his return upon the back of the Writ for holding such election, that such candidate or candidates, as the case may be, is, or are, duly elected for the said Electoral District; of which return he shall deliver or send within forty-eight hours, a duplicate or certified copy to each person elected, and such return shall be in the form of Schedule N. to this Chapter.

52. The Returning Officer shall accompany his return to the Colonial Secretary with a report of his proceedings and of any nomination

proposed and rejected for non-compliance with the requirements of this Chapter.

53. If more candidates than the number required to be elected for the Electoral District are nominated in the manner required by this Chapter it shall be the duty of the Returning Officer to grant a Poll for taking the votes of the electors and to cause to be posted up notices of his having granted such Poll in the form of Schedule O., indicating the names (alphabetically arranged), residences and occupations of the candidates so nominated, which notices shall, as soon as practicable after the nomination, be posted or displayed at all the places where the Proclamation for the election has been posted up.

54. Any candidate nominated may withdraw at any time after his nomination and before the closing of the Poll, by filing with the Returning Officer a declaration on oath, in writing, and signed by himself, to the effect that he withdraws from such nomination freely and voluntarily, and that he has not received, directly or indirectly, from any person or body, any gift, loan, offer, promise, or any promise to procure or to endeavor to procure any money, office, place or appointment, or other consideration for such withdrawal, (which oath shall be in the form of Schedule P. to this Chapter) and any votes cast for the candidate who shall have withdrawn shall be null and void. And in case after withdrawal there should remain but one candidate, or no more than the number to be elected, then it shall be the duty of the Returning Officer to return as duly elected, in the manner prescribed in section 51, the candidate or candidates so remaining without waiting for the day fixed for holding the poll, or for the closing of the poll, if such withdrawal be filed on the polling day.

55. It shall be the duty of the Returning Officer, on a poll being granted when the election is to be held in St. John's East or West, Harbor Grace, Carbonear, Port de Grave, Bay de Verde, Harbor Main or Ferryland, and in other districts upon the receipt of the election writ,

- (a) To appoint, by writing, in the form of Schedule Q to this Chapter, one Deputy Returning Officer for each polling station comprised in the electoral district, who shall, before acting as such, take the oath of office in the form of Schedule R. to this Chapter.
- (b) To furnish each Deputy Returning Officer with a copy of the list or of such portion of the list as contains the names, arranged alphabetically, of the electors qualified to vote at the polling

station for which he is appointed, such copy being first certified by himself.

- (c) To furnish each Deputy Returning Officer, in districts in which electors are permitted by proclamation to vote at any polling station in the district, with a full and complete copy of the revised list of electors at least two days before the day of election.
- (d) To furnish to each Deputy Returning Officer, at least two days before the polling day, a ballot box, together with the lock and key thereof.
- (e) To furnish each Deputy Returning Officer with a number of ballot papers equal to the number of voters entitled to vote in his booth (all being of the same description and as nearly as possible alike), and consecutively numbered upon the back and upon the counter-foil, as prescribed in section 56 of this Chapter, and with the necessary materials for voters to mark their ballot papers; and to keep a correct record of the number of ballot papers furnished to each Deputy Returning Officer.
- (f) To furnish each Deputy Returning Officer with at least ten copies of printed directions for the guidance of voters in voting, as set forth in Schedule O. to this Chapter, which printed directions the Deputy Returning Officer shall, before or at the opening of the poll on the day of polling, cause to be posted up in some conspicuous places outside of the polling station and also in each compartment of the polling station.

56. The ballot shall consist of a paper (in this Chapter called a ballot paper) showing the name and description of the candidates, alphabetically arranged in order of their surnames, or if there be two or more candidates with the same surname, in order of their other names; and such ballot paper shall be in the form of Schedule S. to this Chapter. Each ballot paper shall have a number printed or written on the back and shall have attached a counterfoil with the same number printed or written on the face. All the ballot papers shall be numbered consecutively from one upwards.

57. The Returning Officer may, if he thinks fit, preside at any polling station, and the provisions of this Chapter relating to a Deputy Returning Officer shall apply to such Returning Officer.

58. Each Deputy Returning Officer shall forthwith appoint, by

writing, in the form of Schedule T. to this Chapter, a Poll Clerk, who, before acting as such, shall take the oath in the form of Schedule U. to this Chapter.

59. In case any Deputy Returning Officer should refuse or be unable to act, the Returning Officer may appoint another person to act in his place as Deputy Returning Officer, who, before acting as such, shall first take the oath prescribed in Schedule R. to this Chapter; and in case no such appointment be made, the Poll Clerk, without taking another oath of office, shall act as Deputy Returning Officer.

60. Whenever the Poll Clerk acts as Deputy Returning Officer, he shall, by writing, in the form of Schedule V. to this Chapter, appoint a Poll Clerk to act in his stead, who shall take the oath required by Schedule U. to this Chapter.

61. Any person producing to the Returning Officer or Deputy Returning Officer at any time a written authority from a candidate to represent him at the election or at any proceeding of the election, and making oath in the form of Schedule W. to this Chapter, shall be deemed an agent of such candidate within the meaning of this Chapter.

62. Every Returning Officer or Deputy Returning Officer of an electoral district, and every partner or clerk of either of them, who acts as agent of any candidate in the management or conduct of his election for such electoral district is guilty of a misdemeanor.

63. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present with or without him at any place at which his agent, in pursuance of this Chapter, may be authorized to attend.

64. Where in this Chapter any expressions are used requiring or authorizing an act to be done in the presence of the agent of the candidates, such expressions shall be deemed to refer to the presence of such agents of the candidates as may be authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing be otherwise duly done, invalidate in anywise the act or thing done.

65. The poll, when granted, shall be held at each polling station

in a building of convenient access, (not being a place of public worship or licensed for the sale of intoxicating liquors), with an outside door for the admittance of voters, and having, if possible, another door through which they may leave after having voted. Every polling station shall be furnished with compartments in which the voters can mark their ballot papers screened from observation, and without means of ingress or egress during the polling, except through the room in which the ballot box is kept, and it shall be the duty of the Returning Officer to direct, and of the Deputy Returning Officer to see, that a sufficient number of such compartments are provided at each polling station.

66. Every Returning Officer, Deputy Returning Officer, Clerk or agent, or other person authorized to attend at a polling station or at the counting of the votes, shall, before entering upon his duties or exercising his functions, take an oath of secrecy in the form of Schedule X. to this Chapter, in the presence, if he be the Returning Officer, of a Justice of the Peace, or, in the absence of such Justice of the Peace, of the Deputy Returning Officer; and, if he be any other officer or agent, of a Justice of the Peace, of the Returning Officer, or of the Deputy Returning Officer.

67. (a) Every officer, clerk and agent, in attendance at a polling station, shall maintain, and aid in maintaining, the secrecy of the voting in such station, and shall not communicate to any person any information as to whether any person on the List of Electors has or has not applied for a ballot paper or voted at that station.

(b) No officer, clerk or agent, and no person whosoever shall interfere with, or attempt to interfere with, a voter when marking his ballot paper or otherwise attempt to obtain in the polling station information as to the candidate for whom any voter in such station is about to vote or has voted.

(c) No officer, clerk, agent or other person shall communicate at any time to any person, any information obtained in a polling station as to the candidate for whom any voter in such station is about to vote or has voted.

(d) Every officer, clerk, agent and other person in attendance at the counting of votes, shall maintain, and aid in maintaining, the secrecy of the voting and shall not attempt to ascertain at such counting, or communicate any information obtained at such counting, as to the candidate for whom any vote is given in any particular ballot paper.

- (e) No elector shall, except in the case provided for in section 79, show his ballot paper when marked to any person, so as to allow the name of the candidate for whom he votes to be known.
- (f) No person shall, directly or indirectly, induce or endeavor to induce any voter to display his ballot paper after he shall have marked the same so as to make known to any person the name of the candidate for or against whom he has so voted.
- (g) Every person who acts in contravention of the provisions of this section shall be liable, on summary conviction before a Stipendiary Magistrate or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour.

68. Any duly qualified voter whose name has been omitted from the list of registered voters may attend at the booth and claim the right to vote. Upon his answering upon oath such questions touching his qualification to vote as may be prescribed by rules to be made by the Governor in Council and published in the *Royal Gazette* and put to him by the Deputy Returning Officer and upon its being made to appear to the Deputy Returning Officer that the applicant is qualified, he shall be admitted to vote and his name entered on a separate list, and his qualification to vote shall be subject to enquiry and determination by the Court in the event of a trial of a controverted election.

69. Each Deputy Returning Officer shall open the poll assigned to him at the hour of eight o'clock in the morning, and keep the same open until four o'clock in the afternoon, and shall during that time receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling place; provided that in the Electoral District of St. John's the poll shall be kept open till eight o'clock in the evening.

70. At the hour fixed for opening the poll, the Deputy Returning Officer and Poll Clerk shall, in the presence of the candidates, their agents, or not less than three voters, whose names shall be recorded on the poll book, open the ballot box and ascertain that there are no ballots or other papers in the same, and shall then lock it up and place their seals upon it in such a manner as to prevent its being opened without breaking such seal, and shall place it in view for the receipt of ballot papers, and keep it so locked and sealed. Immediately after the ballot box is locked,

as herein provided, the Deputy Returning Officer shall call upon the electors to vote.

71. In addition to the Deputy Returning Officer and the Poll Clerk, the candidates and their agents (not exceeding one for each candidate) in each polling station and in the absence of agents, one elector to represent each candidate on the request of such elector, and no others, shall be permitted to remain in the room where the votes are given during the whole time the poll remains open; provided always, that any agent having a written authorization from a candidate, and making oath as provided in section 61, shall always be entitled to represent such candidate in preference to and to the exclusion of any elector who may otherwise claim the right of representing such candidate.

72. Each elector shall vote at the polling station in which he is qualified to vote, and no other, except otherwise permitted by proclamation or by the provisions of section 73 of this Chapter; and it shall be the duty of the Returning Officer to secure the admittance of every elector into the polling booth, and to see that he is not impeded or molested at or about the polling booth.

73. A Deputy Returning Officer, Poll Clerk or agent, entitled to vote at an election, shall have the right to vote at the polling station where he shall be actually engaged during polling day, instead of at the station where he would otherwise have been entitled to vote.

74. The electors shall be introduced one at a time into the room where the poll is held, each shall declare his name, surname and addition, which shall be entered or recorded in the voters' list, to be kept for that purpose by the Poll Clerk, and if the same be found on the list of electors for the polling station, he shall receive from the Deputy Returning Officer a ballot paper: Provided that if the candidate or his agent do declare upon oath that he has a *bona fide* reason to believe that the applicant for a ballot paper is not the person he claims to be, or that he has voted before at such election, either at that or any other polling place, or has been subject to bribery, such elector shall take the oath of qualification in the form of Schedule Y.

75. No person shall vote more than once in the same electoral district at the same election, but each elector may vote for as many candidates as are required to be elected to represent the electoral district for which the election is held.

76. (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has voted as such elector, the applicant, upon taking the oath in the form of Schedule A.A. to this Chapter, and otherwise establishing his identity to the satisfaction of the Deputy Returning Officer, shall be entitled to receive a ballot paper, on which the Deputy Returning Officer shall put his initials, the number corresponding to the number entered upon the voters' list opposite the name of said elector and the words “second voter”; and he shall thereupon be entitled to vote as any other elector.

(2) The name of such voter shall be entered upon the voters' list, and a note shall be made of his having voted on a second ballot paper issued under the same name, and of the oath of identity having been required and made, as well as of any objections having been made on behalf of any, and which of the candidates.

77. The votes shall be given by ballot. At the time of voting the ballot paper shall be marked on the back with the initials of the Deputy Returning Officer, detached from the counterfoil, and delivered to the elector within the polling booth, and the number of such voter upon the voters' list shall be marked on the counterfoil. The Deputy Returning Officer shall instruct the elector how and where to affix his mark, and how to fold his ballot paper, but without enquiring or seeing for whom the elector intends to vote, except in the case provided for in section 79.

78. The elector on receiving the ballot paper, shall forthwith proceed into a compartment of the polling booth and there mark his ballot paper, making a cross on any part of the ballot paper within the division or divisions, (if more than one are to be elected) containing the name (or names) of the candidate (or candidates) for whom he intends to vote, after which he shall fold it up so as to conceal his vote, and hand it so folded up to the Deputy Returning Officer, who shall, without unfolding it, ascertain by examining his initials and the number upon it and by comparing the number upon it with the number upon the counterfoil, that it is the ballot paper which he furnished to the elector and shall then immediately, and in the presence of the elector, place the ballot paper in the ballot box.

79. The Deputy Returning Officer on application of any voter who is unable to read, or incapacitated by blindness or other physical cause

from voting in the manner prescribed by this Chapter, shall assist such voter, within the compartment, by marking his ballot in the manner directed by the voter, in the presence of a sworn agent of each candidate, or of a sworn elector representing him, if such agent or elector be present in the polling booth and of no other person, and by placing such ballot paper in the ballot box. And the Deputy Returning Officer shall cause a list to be kept of the names of voters whose ballot papers have been so marked.

80. When application is made to the Deputy Returning Officer by any voter who is unable to read or is incapacitated by blindness or other physical cause from voting in the manner prescribed in this Chapter, before marking his ballot paper, the Deputy Returning Officer shall require the voter making such application to make oath of his incapacity to vote without assistance in the form of Schedule B.B.

81. No voter, having refused to take the oath or affirmation required as aforesaid by this Chapter, when requested to do so, shall receive a ballot paper or be admitted to vote, or upon leaving the booth shall be permitted to return.

82. A voter who has inadvertently dealt with the ballot paper given him in such manner that it cannot be conveniently used may, on delivering the same to the Deputy Returning Officer, obtain another ballot paper in the place of that so delivered up.

83. Every elector who takes his ballot paper out of the polling booth shall incur a penalty of two hundred dollars or, in default of payment, shall be liable to imprisonment for a period not exceeding six months.

84. The Poll Clerk shall keep a voter's list in the form of Schedule C.C. to this Chapter, on which he shall inscribe—

- (a) The name, occupation and residence of the person who enters the booth to vote;
- (b) The word "voted" opposite the name of each elector as soon as his ballot paper has been deposited in the ballot box;
- (c) Opposite the name of any voter, whose ballot paper has been marked for him, the reason why such ballot paper was so marked.

- (d) The words “second ballot” opposite the name of any voter to whom a second ballot paper has been delivered because of the defacement or destruction of the first;
- (e) The words “second voter” opposite the name of any voter to whom a ballot paper has been given, after another has voted in the same name, and who has taken the oath of identity prescribed in section 76;
- (f) The words “supplementary list” opposite to the name of every person who has been permitted to vote under the provisions of section 68 of this Chapter;
- (g) The nature of an objection, if any, made against any person applying for admission to vote.

85. Any candidate's agent or Deputy Returning Officer may require any elector who enters any booth for the purpose of voting to take the oath or affirmation set out in Schedule L.L. hereto, which the Deputy Returning Officer is hereby empowered to administer; and no elector shall be entitled to vote who refuses to be sworn to the said oath when so required by any of the persons aforesaid. In any case the Deputy Returning Officer may require the Candidate's agent to swear, in the form of Schedule M.M. to this Chapter, that he does not require the said oath or affirmation to be put to the voter for the purpose of causing delay in the polling at the booth.

86. Every voter shall vote without undue delay, and shall quit the polling booth as soon as his ballot paper has been put into the ballot box.

87. If, by reason of obstruction or other cause, any Returning Officer or his Deputy shall be prevented or hindered from duly proceeding or taking the poll, he shall adjourn the poll till the next day, not being Sunday, and to the next succeeding day also, if necessary, in order to complete the taking of the poll.

88. The Deputy Returning Officer of each booth, immediately after the close of the poll, shall, in the presence of the poll clerk and the candidates or their agents, and if the candidates or their agents are absent, then in the presence of three electors, make up into separate packets, sealed with the official seal of the booth, and the seals of such candidates or their agents, and if the candidates or their agents be absent, of such of the said electors as desire to affix their seals,—

- (a) The ballot box in use at his booth, unopened but with the key attached; and

- (b) The unused and spoilt ballot papers placed together; and
- (c) The list of those who have voted (a copy of which, signed by himself and the Poll Clerk shall be kept in his possession); and

(d) The counterfoils of the ballot papers;

and shall deliver such packets to the Returning Officer or his messenger, appointed under the provisions of section 90, who shall, before receiving the ballot boxes and packets of papers, take the oath in the form of Schedule G.G. These packets shall be accompanied by a statement in writing, made by the Deputy Returning Officer, showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

- (a) Ballot papers in the box;
- (b) Unused and spoilt ballot papers.

The Deputy Returning Officer and Poll Clerk shall, respectively, take the oaths in the form of Schedule D.D. and E.E. to this Chapter, which shall be annexed to the statements above-mentioned.

89. No person, except by order of the Court having cognizance of an election petition complaining of an undue return or undue election, shall open the packets of counterfoils after the same have been once sealed up or be allowed to inspect any such counterfoils after the same have been once sealed up by the Deputy Returning Officer; provided that such order shall not be made by the said Court until it has been proven and declared on the trial of such petition that the vote of the electors or an elector is invalid, and provided that in the making and carrying into effect of any such order, care shall be taken that the manner in which any other than the elector or electors, whose vote shall be declared to be invalid, may have voted, shall not become known or discovered.

90. The Returning Officer shall appoint a person or persons, by a writing in the form of Schedule F.F., to collect the ballot boxes and parcels from the several polling stations in his Electoral District, or to convey the same to the Colonial Secretary. Such person or persons shall, before proceeding to discharge the duties aforesaid take the oath prescribed in Schedule G.G. to this Chapter, before the Returning Officer, a Deputy Returning Officer, or a Justice of the Peace, and upon the performance thereof the oath in Schedule H.H. to this Chapter.

91. The Returning Officer shall make arrangements for counting

the votes in the presence of the candidates, or the agents of the candidates, as soon as practicable after the close of the poll, and shall give to the candidates or their agents notice in writing of the time and place at which he will begin to count the same.

92. The Returning Officer, his assistants and clerks, the candidates, and the agents of the candidates, and no other person, shall be present at the counting of the votes, except Peace officers, who may be present with the sanction of the Returning Officer.

93. In case the ballot boxes should not all have been returned on the day fixed for counting the votes, the Returning Officer shall adjourn the proceedings to a subsequent day, such subsequent day not being more than a week later than the day originally fixed for the purpose of counting the votes.

94. In case the ballot boxes or any of them have been destroyed, lost, or for any other reason are not forthcoming within the day so fixed, the Returning Officer shall ascertain the cause of the disappearance of the ballot boxes, and shall call on each Deputy Returning Officer whose ballot box is missing, or any other person having the same, for the copy of the "voters' list" kept in the polling booth over which the said Deputy Returning Officer presided on the day of polling, which copy shall be verified by the Deputy Returning Officer and Poll Clerk, upon oath, in the form of Schedule I.I. to this Chapter, before a Stipendiary Magistrate, a Justice of the Peace, or the Returning Officer; and in case such voters' list cannot be obtained, he shall ascertain, by such evidence as he is able to obtain, the total number of persons who voted at the polling station, the ballot box of which is missing, and he may adjourn the counting from time to time, but not for a longer period than one week in all, for the purpose of obtaining such voters' list or evidence.

95. Upon the receipt by him of the missing ballot box, the voters' list, or evidence of the total number of votes given at the polling station, the ballot box of which is missing, the Returning Officer shall proceed to count the votes in the presence of the election clerk, the candidates or their agents, if present, and three electors, if the candidates or their agents be not present; and before doing so, shall open each ballot box, and taking out the papers, shall count and record the number thereof, and then mix together the whole of the papers contained in all the ballot boxes.

- (1) The Returning Officer, while counting and recording the number of ballot papers and counting the votes, shall keep the

ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers on the backs of such papers;

- (2) Any ballot paper not supplied by a Deputy Returning Officer, or on which votes are given to more candidates than are to be elected, or on which anything is written or marked by which the voter can be identified other than the numbering referred to in section 56, or which is unmarked, or from which it is uncertain for which candidate the elector voted, shall be void and shall not be counted;
- (3) The Returning Officer shall endorse “rejected” on any ballot papers which he may reject as void.
- (4) The Returning Officer shall then count up the votes given for each candidate upon the ballot papers not rejected.
- (5) The other ballot papers being counted, and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, all the ballot papers indicating the votes given for candidates shall be put into a ballot box or boxes marked “accepted,” and these ballot boxes, sealed with the seal of the Returning Officer and Election Clerk, and of such of the candidates or their agents as desire to affix their seals shall be transmitted to the Colonial Secretary in manner provided in section 104; those rejected shall be put back into a different ballot box or boxes marked “rejected,” and the sealed packages of counterfoils shall be put into a ballot box or boxes marked “counterfoils.”

96. The Returning Officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshments and excluding (except so far as he and the agents or candidates agree) the hours between eleven o'clock at night and nine o'clock on the succeeding morning. During the excluded time the Returning Officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the candidates or their agents as desire to affix their seals, and shall otherwise take proper precautions for the security of such papers and documents.

97. The Returning Officer shall take a note of any objections made by any candidate, his agent, or any elector present, to any ballot paper found in the ballot box, and shall decide any question arising out

of the objection; and the decision of such Returning Officer shall be final, subject only to reversal upon a recount before a Judge of the Supreme Court as hereinafter provided or on petition or proceedings questioning the election or return. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Returning Officer.

98. If, upon summing up the vote for each candidate, at the conclusion of the counting, it be found that the number of ballot papers deposited in the missing ballot box or boxes, if added to the votes appearing by the count to have been given to any candidate, could not affect the result of the election, the Returning Officer shall declare elected the candidate or candidates appearing to have the majority of votes.

99. If, upon summing up the vote for each candidate, at the conclusion of the counting, it be found that the number of ballot papers deposited in the missing ballot box or boxes, if added to the votes appearing by the count to have been given to any candidate might affect the result of the election, the Returning Officer shall direct that another poll shall be held at and for such station, at a time to be appointed by him, as soon as may be convenient within not more than twenty days from the holding of the first poll, of which due notice shall be given; and the Returning Officer shall have power to postpone the declaration of the poll until after the holding of the second poll at the said polling station. At such second poll only such voters as shall appear by the evidence possessed by the Deputy Returning Officer or by the evidence possessed by the Returning Officer to have voted at the first poll, shall be permitted to vote. The said second poll shall be conducted in all respects in the same manner and subject to the same regulations as are hereinbefore provided in relation to the first poll, and shall in all respects for all purposes, be held to be of the same force and effect as if the same had taken place upon the day first appointed for taking the poll.

100. Upon the receipt of the ballot box or boxes used at such second poll, he shall proceed to count the votes in the manner and subject to the conditions hereinbefore contained in reference to the counting of votes, and upon summing up the votes at such second poll, with the votes previously counted, he shall declare elected the candidate or candidates having a majority of votes.

101. Whenever, upon the final addition of votes by the Returning Officer, an equality of votes is found to exist between any two or more of the candidates, and the addition of a vote would entitle any of such can-

didates to be declared elected, the Returning Officer shall give such additional or casting vote.

102. At the conclusion of the counting the Returning Officer shall make out a statement in writing, showing,—

- (a) The number of ballot papers sent by him before polling day to each Deputy Returning Officer;
- (b) The number of ballot papers stated by each Deputy Returning Officer to be in the ballot box, delivered to the Returning Officer's messenger, and the number of ballot papers found by him in each ballot box at the commencement of the counting;
- (c) The number of unused and spoilt ballot papers stated by each Deputy Returning Officer to be in the package delivered to the Returning Officer's messenger, and the number of such unused and spoilt ballot papers found by him in each package at the conclusion of the counting;
- (d) The number of ballot papers accepted by him and the number rejected;
- (e) The number of votes upon the accepted ballot papers.

Such statement shall be in the form of Schedule J.J., and shall be sworn before a Stipendiary Magistrate or Justice of the Peace. The Returning Officer shall make and keep a copy of such statement, and certified copies shall be delivered to any candidate or his agent applying for the same, and the original shall be sent with the return to the Colonial Secretary, who shall cause it to be published in the *Royal Gazette*.

103. The Returning Officer shall, immediately after the due execution of the writs, make and transmit his return upon the back of the election writ to the Colonial Secretary, that the candidate or candidates having the largest number of votes has or have been duly elected, and shall forward to each of the respective candidates a duplicate or copy thereof, and such return shall be in the form of Schedule K.K. to this Chapter. The Returning Officer shall also transmit to the Colonial Secretary, with his return, the original statements of the several Deputy Returning Officers, together with the voters' lists used in the several polling districts, and all affidavits, certificates and other documents used or required at such election, or which may have been transmitted to him by the Deputy Returning Officers. The Returning Officer shall accompany his return

to the Colonial Secretary with a report of his proceedings, in which report he shall make any observations he may think proper as to the state of the poll books as received by him.

104. The Returning Officer shall forward to the Colonial Secretary, by a messenger appointed under the provisions of section 90, together with his return, all the ballot boxes, packets of ballot papers and packets of certificates in his possession, the ballot paper accounts, lists of voters marked by the Deputy Returning Officer, statements relating thereto, sent by each, and all the original documents in his possession, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the District for which such election was held.

105. If any Returning Officer wilfully delays, neglects or refuses duly to return any person that ought to be returned to serve in the House of Assembly for any Electoral District such person may, in case it has been determined, on the hearing of an election petition respecting the election for such Electoral District, that such person was entitled to have been returned, sue the Returning Officer having so wilfully delayed, neglected or refused duly to make such return of his election, in the Supreme Court, and shall recover a sum of five hundred dollars, together with all damages he has sustained by reason thereof and full costs of suit; provided that such action be commenced within one year after the commission of the act on which it is grounded, or within six months after the conclusion of the trial of the petition relating to such election.

106. Upon the result of a recount being certified to him by a Judge of the Supreme Court, or immediately after the expiration of twenty-five days from the date of the return of any candidate or candidates, unless he shall in the meantime have been served with an order for a recount, the Colonial Secretary shall give notice in the *Royal Gazette* of the name or names of the candidate or candidates elected.

107. No person shall be allowed to inspect any ballot papers in the custody of the Colonial Secretary, except under the order of the Supreme Court or a Judge thereof, to be granted by such Court or Judge on being satisfied by evidence, on oath, that the inspection or production of such ballot papers is required for the purposes of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purposes of contesting an election or return, and any such order for such inspection or production may be subject to such conditions as to persons,

time, place and mode of inspection, and otherwise, as the Court or Judge making the same may think expedient.

108. The Colonial Secretary shall retain, sealed, for one year, all the ballot papers and counterfoils relating to an election forwarded to him in pursuance of this Chapter by a Returning Officer, and then, unless otherwise directed by an order of the Supreme Court, shall cause them to be destroyed, and all documents so forwarded other than ballot papers and counterfoils shall during the said year be open to public inspection, and shall, with the ballot papers and counterfoils, at the end of the said year, be in like manner destroyed.

109. In case it is made to appear within twenty-one days after the day on which the Returning Officer has made the final addition of the votes, for the purpose of declaring the candidate (or candidates) elected, on the affidavit of any credible witness, to a Judge of the Supreme Court that such witness believes that the Returning Officer at an election, in counting the votes, has improperly counted or rejected any ballot papers at such election, or has improperly summed up the votes, and in case the applicant deposits within the said time with the Registrar the sum of one hundred dollars as a security for the costs of the recount in respect of the candidate appearing by the addition to be elected, the said Judge shall, within four days after the receipt of the said affidavit by him, appoint a time and place at which he will proceed to recount the same or to make such final addition, as the case may be, and shall summon and command the Colonial Secretary, or a Clerk in his office, to attend then and there with the parcels containing the ballots used at the election, which command the Colonial Secretary or Clerk shall obey.

(a) The said Judge, the Colonial Secretary or Clerk and each candidate or his agent appointed to attend such recount of votes, or in case any candidate cannot attend, then not more than one agent of such candidate, and if the candidates and their agents are absent, then at least three electors of the Electoral District in which the recount is held shall be present at such recount of the votes.

(b) At the time and place appointed, the said Judge shall proceed to recount all the votes or ballot papers returned by the Returning Officer, and shall, in the presence of the parties aforesaid, if they attend, open the sealed packets containing (1) the used ballot papers which have been counted; (2) the rejected ballot papers; (3) the spoilt ballot papers, and no other ballot papers;

- (c) The Judge, shall, so far as practicable, proceed continuously, except on Sunday, with such recount of the votes, allowing only time for refreshment, and excluding (except so far as he and the parties aforesaid agree) the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time, and recess for refreshments, the said Judge shall place the ballot papers and other documents relating to the election close under his own seal and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents;
- (d) The Judge shall proceed to recount the votes according to the rules set forth in section 95, and shall verify or correct the ballot paper account and statement of the number of votes given for each candidate and upon the completion of such recount, or as soon as he has thus ascertained the result of the Poll, he shall seal up all the said ballot papers in separate packets and shall forthwith certify the result to the Colonial Secretary, who shall then declare to be elected the candidate having the highest number of votes, and in case of equality of votes, the names of the candidates who have received an equal number of votes shall then and there be written upon cards, which cards shall be put into a box, and the Colonial Secretary or his Clerk, shall draw one of the said cards from the box in the same manner as is done by the Sheriff in drawing the names of jurors for a jury panel, and the candidate whose name is upon the card thus drawn shall be declared elected.
- (e) The Colonial Secretary, after the receipt of a notice from the Judge of a recount of ballots, shall delay giving notice in the *Royal Gazette* of the return of a candidate or candidates until he receives a certificate from the Judge of the result of such recount, and upon receipt of such certificate, the Colonial Secretary shall, if necessary, correct the return made by the Returning Officer in accordance with such certificate.
- (f) In case the recount or addition does not so alter the result of the poll as to affect the return, the Judge shall order the costs of the candidate appearing to be elected to be paid by the applicant, and the said deposit shall be paid out to the

said candidate on account thereof so far as necessary, and the Judge shall tax the costs on giving his decision; and if the deposit is insufficient the party in whose favour costs are allowed shall have his action for the balance.

110. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state for whom he has voted.

111. No person shall be excused from answering any question put to him in any action, suit or other proceeding in any Court or before any Judge, Commissioner or other tribunal, touching or concerning any election or the conduct of any person thereat, or in relation thereto, on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege or on the ground that such answer will tend to criminate himself, shall be used in any criminal proceeding against such person other than an indictment for perjury, if the Judge, Commissioner or President of the tribunal shall give to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answers to the satisfaction of the Judge, Commissioner or tribunal.

112. Every Returning Officer and Deputy Returning Officer, from the time they shall respectively have taken the oath of office until the day after the closing of the elections, shall be a conservator of the peace, invested with all the powers appertaining to a Justice of the Peace.

113. Such Returning Officer or Deputy Returning Officer may require the assistance of justices of the peace, constables or other persons present to aid him in maintaining peace and good order at such election, and may also, on a requisition, made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary.

114. Such Returning Officer or Deputy Returning Officer may arrest, or cause to be arrested by a verbal order, and placed in the custody of any constable or other person, any person disturbing the peace and good order at the election, and may cause such person to be imprisoned under an order signed by him until any period not later than the close of the poll.

115. Except the Returning Officer or his Deputy, the Poll Clerk, or one of the constables or special constables appointed by the Returning Officer or his Deputy for the orderly conduct of the election or poll, and

the preservation of the public peace thereat, no person shall, during any part of the day upon which the poll is to remain open, arm himself with offensive weapons of any kind, as fire arms, swords, staves, bludgeons or the like, unless called upon to do so by lawful authority.

116. Every person offending against any of the provisions of section 115 of this Chapter shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding one hundred dollars or imprisonment not exceeding one month, or by both, in the discretion of the court having cognizance of such offence

117. Every person convicted of a battery committed during any day whereon any election or any poll for any election is begun, holden, or proceeded with, within the distance of two miles of the place where such election or such poll is begun, holden, or proceeded with, shall be deemed guilty of an aggravated assault, and shall be punished accordingly.

118. No spirituous or fermented liquors or strong drinks shall be sold at any hotel, tavern or licensed house within the limits of any polling district during the whole of the polling day at any election for the House of Assembly, under a penalty not exceeding fifty dollars for every offence.

119. If any person unlawfully, either by violence or stealth, takes from any Returning Officer, or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully destroyed, injured or obliterated, or makes, or causes to be made, any erasure, addition of names, or interlineation of names into or upon any list of voters or writ of election, or any return to a writ of election, or any report, certificate or affidavit or any document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of this Chapter, or any of them, every such offender shall be guilty of felony, and shall be liable to imprisonment with or without hard labour, for a period not exceeding three years and it shall not be necessary in any indictment for such offence to allege that the article in respect of which the offence is committed is of any value or the property of any person.

120. No person shall—

- (a) Forge or counterfeit, or fraudulently alter, deface or fraudulently destroy any ballot paper or the officials marks thereon; or
- (b) Without authority supply any ballot paper to any person; or

- (c) Fraudulently put into any ballot box any paper other than the ballot paper which is authorized by law to be put in; or
- (d) Fraudulently take out of the polling station any ballot paper; or
- (e) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election;
- (f) No person shall attempt to commit an offence specified in this section.

Any contravention of this section shall be a misdemeanor, and any person found guilty thereof shall be punishable, if he be a Returning Officer, Deputy Returning Officer or other officer engaged at the election, by a fine not exceeding two thousand dollars, or by imprisonment for any term less than two years, with or without hard labour, in default of payment of such fine; and if he be any other person, by a fine not exceeding one hundred dollars or by imprisonment for any term not exceeding twelve months, with or without hard labour, in default of payment of such fine.

121. Any Returning Officer, Deputy Returning Officer, Election Clerk or Poll Clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this Chapter, shall, for each refusal or neglect, forfeit the sum of two hundred dollars to any person suing for the same, together with all damages occasioned or sustained thereby, with full costs of suit.

122. Every officer and clerk who is guilty of any wilful misfeasance or any wilful act or omission in violation of this Chapter, shall forfeit to any person aggrieved by such misfeasance, act or omission a sum not exceeding five hundred dollars, in addition to the amount of all actual damages thereby occasioned to such person.

123. All damages, penalties and forfeitures (other than fines in cases of misdemeanor imposed by this Chapter) shall be recoverable with full costs of suit by any person who shall sue for the same, by action in the Supreme Court, and in default of payment of the amount which the offender is condemned to pay, not being damages aforesaid, in civil or *qui tam* action, within the period fixed by the Court, the offender shall be imprisoned for any term less than two years unless such costs and fine be sooner paid.

124. It shall be sufficient for the plaintiff in any action or suit given by this Chapter to state that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence for which the action is brought, and that the defendant hath acted contrary to this Chapter, without mentioning the writ of election or the return thereof.

125. In any such civil action, suit or proceeding, as last aforesaid, the parties to the same, and the husbands or wives of such parties respectively, shall be competent and compellable to give evidence to the same extent and subject to the same exceptions as in other civil suits, but such evidence shall not thereafter be used in any indictment or criminal proceeding under this Chapter against the party or person giving it.

126. In any indictment or other prosecution for an offence in relation to the nomination papers, ballot papers and marking instruments at an election, the property in such papers, boxes and instruments may be stated to be in the Returning Officer at such election.

127. It shall be lawful for the Supreme Court in any criminal prosecution under this Chapter to order payment by the defendant to the prosecutor of such costs and expenses as appear to the Court to have been reasonably incurred in and about the conduct of such prosecution, but the Court shall not make such order unless the prosecutor, before or upon the finding of the indictment or the granting of the information, enters into a recognizance with two sufficient sureties in the sum of five hundred dollars, and to the satisfaction of the Court, to conduct the prosecution with effect and to pay the defendant his costs in case he be acquitted.

128. In case of an indictment or information by a private prosecutor for any offence against the provisions of this Chapter, if judgment be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information; such costs shall be taxed by the proper officer of the Court in which the judgment is given.

129. It shall not be necessary on the trial of any suit or prosecution under this Chapter to produce the writ of election, or the return thereof, or the authority of the Returning Officer founded upon any such writ of election, but general evidence of such facts shall be sufficient *prima facie* evidence.

130. Every prosecution for a misdemeanor under this Chapter

and every action, suit or proceeding for any pecuniary penalty given by this Chapter to the person suing for the same, shall be commenced within the space of one year next after the act committed and not afterwards, unless the same be prevented by the withdrawal or absconding of the defendant out of the jurisdiction of the Court; and, being commenced shall be proceeded with and carried on without delay.

131. The Colonial Secretary may deliver certified copies of any writ, list of voters, returns, reports, and other documents, except counterfoils, in his possession, relating to any election, and such copies, so certified, shall be received and be held as *prima facie* evidence before any Court or Judge in this Colony on the trial of any controverted election or any prosecution or suit under this Chapter.

132. Any person before whom it is hereby required or intimated by any form in the Schedules of this Chapter that any oath be taken or any affirmation made in the manner herein provided, shall have power to administer the same, and shall do so gratuitously, and the Returning Officer at any election shall have the power to administer any oath or affirmation required with respect to such election by this Chapter; and the Deputy Returning Officer may administer such oath or affirmation, except only such as may be required to be administered to the Returning Officer.

133. Every person taking an oath or affirmation under this Chapter, who wilfully swears or affirms falsely, shall be deemed guilty of perjury.

134. For the better carrying out of any election of members of the House of Assembly, the Governor is authorized to prescribe or give, by proclamation, any orders or directions not inconsistent with the provisions of this Chapter.

135. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Chapter, as to the taking of the poll or the counting of the votes, or by reason of any want of qualification in the person signing a nomination paper received by the Returning Officer under the provisions of this Chapter, or of any mistake in the use of the forms contained in the schedules to this Chapter, if it appears to the tribunal having cognisance of the question that the election was conducted in accordance with the principles laid down in this Chapter, and that such non-compliance or mistake did not affect the result of the election.

136. One copy of this Chapter and of such instructions, approved by the Governor in Council, as may be required to carry out the elections according to the provisions of this Chapter, (with a copious alphabetical index prefixed), for the Returning Officer, and one for each of his Deputies, shall be transmitted with the writ of election to each Returning Officer.

PART IV.

CORRUPT AND ILLEGAL PRACTICES.

137. No candidate shall, at any election, nor shall any other person acting on his behalf, either provide or furnish drink or other refreshment to any elector during such election, from nomination day to polling day, both inclusive, or pay for, procure or engage to pay for any such drink or other refreshment, except as hereafter provided.

138. No candidate or any other person shall furnish or supply any ensign, standard or set of colours, or any other flag, to or for any person whomsoever, with intent that the same should be carried or used in any district on the day of election, or within eight days before such day, or during the continuance of such election or the polling day, by such person, or any other, as a party flag, to distinguish the bearer thereof and those who follow the same, as the supporters of such candidate, or of the political or other opinions entertained, or supposed to be entertained, by such candidate; nor shall any person, for any reason, carry or use any such ensign, standard or set of colours, or other flag, as a party flag within such district on the day of any such election or polling, or within eight days before such day or during the continuance of such election.

139. No candidate or any other person shall furnish or supply any ribbon, label or like favour, to or for any person whomsoever, with intent that the same should be worn or used within such district on the day of such election or polling, or within eight days before such day, or during the continuance of such election, by such person or any other as a party badge, to distinguish the wearer as the supporter of such candidate, or of the political or other opinions entertained, or supposed to be entertained by such candidate; nor shall any person use or wear any ribbon, label or other favor, as such badge, either on his person, or affixed to any horse or vehicle, boat or vessel, within such district on the day of any such election or polling, or within eight days before such day or during the continuance of such election.

140. Every person offending against any of the provisions of the three next preceding sections shall be punishable by fine not exceeding one hundred dollars, or imprisonment not exceeding three months, or by both, in the discretion of the Court.

141. No spirituous or fermented liquors, or strong drink, shall be sold or given at any hotel, licensed house or shop, or any other place whatsoever, within the limits of any polling district during the whole of the polling day at any election, under a penalty of two hundred dollars for every offence; and the offender shall be subject to imprisonment not exceeding six months, at the discretion of the Judge or Court, in default of payment of such fine.

142. Every candidate who corruptly, by himself, or by or with any person, or by any other ways or means on his behalf, or with his knowledge and consent, at any time either before or during any election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expense incurred for any meat, drink, refreshment or provisions to or for any person in order to be elected, or for being elected, or for the purpose of corruptly influencing such person or any person to give or refrain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall forfeit the sum of two hundred dollars to any person who shall sue for the same, with full costs of suit, or shall suffer imprisonment for a term not exceeding three months, in addition to any other penalty to which he may be liable therefor under any other provision of this Chapter, and the giving or causing to be given to any voter on the nomination day or day of polling, on account of such voter having voted, or being about to vote, any meat, drink or refreshment, or any money or ticket to enable such voter to procure refreshment, shall be deemed an unlawful act, and the person so offending shall, on summary conviction thereof before any Stipendiary Magistrate, forfeit the sum of ten dollars, and in default of payment, shall be imprisoned for a period not exceeding ten days.

143. And whereas doubts may arise as to whether the hiring of teams and vehicles to convey voters to and from the polls, and the paying of railway fares and other expenses of voters, be or be not according to law, it is declared and enacted that the hiring, or promising to pay, or paying for any horse, team, carriage, cab or other vehicle, by any candidate, or by any person on his behalf, to convey any voter or voters to or from the poll, or to or from the neighborhood thereof, at any election, or

the payment by any candidate, or by any person on his behalf, of the travelling or other expenses of any voter in going to or returning from any election, are or shall be unlawful acts, and the person so offending shall forfeit the sum of one hundred dollars to any person who shall sue for the same, and any voter hiring any horse, cab, cart, waggon, sleigh, carriage or other conveyance, for any candidate, or for any agent of a candidate, for the purpose of conveying any voter or voters to or from the polling place or places, shall *ipso facto* be disqualified from voting at such election, and for every such offence shall forfeit the sum of one hundred dollars to any person suing for the same: Provided that where the nature of a district is such that any electors residing therein are unable at an election for such district to reach their polling station without crossing the sea, or a branch or arm thereof, this Chapter shall not prevent the provision of means for conveying such electors within the district by sea, to and from their polling station, and the amount of payment for such means of conveyance may be in addition to the amount of personal expenses of a candidate under this Chapter; and provided, also, that if it be necessary for such electors to be conveyed by sea, as aforesaid, such electors may, notwithstanding any provisions of this Chapter, be provided with a reasonable amount of food and other refreshments (except spirituous or fermented liquors or other strong drink), and the expenses of such conveyance by sea and of such food and refreshment shall be in addition to the amount of personal expenses of a candidate.

144. Any person who shall at any election apply for a ballot paper in the name of some other person, whether the name be that of a person living or dead, or of a fictitious person, or who having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be deemed to be guilty of personation. The offence of personation or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person shall be a misdemeanor, and any person convicted thereof shall be punished by a fine not exceeding four hundred dollars, or imprisonment for a term not exceeding twelve months. It shall be the duty of the Returning Officer to institute a prosecution against any person whom he may believe to have been guilty of personation, or of aiding, abetting, counselling or procuring the commission of the offence of personation by any person at the election for which he is Returning Officer; and the costs and expenses of the prosecutor and the witnesses in such cases, together with compensation for their trouble and loss of time, shall be allowed by the Court in the same manner in which Courts are empowered to allow the same in cases of misdemeanor.

145. Every candidate who corruptly by himself, or by or with any

other person on his behalf, compels or induces, or endeavours to induce, any person to personate any voter shall, in addition to any other punishment to which he may be liable for such offence, be liable to forfeit the sum of two hundred dollars to any person suing for the same, or shall suffer imprisonment as aforesaid for a term not exceeding three months.

146. The following persons shall be deemed guilty of bribery and shall be punishable accordingly:

- (1) Every person who shall directly or indirectly by himself, or by any other person on his behalf, give or lend, or agree to give or lend, or shall offer, promise, or promise to procure, or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election.
- (2) Every person who shall directly or indirectly by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise to procure or endeavour to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of any voter having voted or refrained from voting at any election.
- (3) Every person who shall directly or indirectly, by himself or any other person on his behalf, make any such gift, loan, offer, promise, procurement or agreement, as aforesaid, to or for any person, in order to induce such person to procure, or endeavor to procure, the return of any person to serve in the House of Assembly, or the vote of any voter at any election.
- (4) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure or engage, promise or endeavor to procure, the return of any person to serve in the House of Assembly, or the vote of any voter at any election.
- (5) Every person who shall advance or pay, or cause to be paid, any

money to or to the use of any other person, with the intent that such money, or any part thereof shall be expended in bribery at any election; or who shall knowingly pay, or cause to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election.

And any person so offending shall be liable to forfeit the sum of four hundred dollars to any person who shall sue for the same, together with full costs of suit; Provided always that the foregoing enactment shall not extend, or be construed to extend, to any money paid, or agreed to be paid, for or on account of any legal expenses *bona fide* incurred at or concerning any election.

147. The following persons shall also be deemed guilty of bribery and shall be punishable accordingly:

- (1) Every voter who shall, before or during any election, directly or indirectly, by himself, or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment for himself, or for any other person, for voting, or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.
- (2) Every person who shall, after an election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or having refrained from voting or having induced any other person to vote or refrain from voting at any election.

And any person so offending shall, on summary conviction before any Stipendiary Magistrate, be subject to a fine of forty dollars, and in default of payment shall be imprisoned for a period not exceeding one month.

148. Every person who shall directly or indirectly, by himself, or by any other person on his behalf, make use of or threaten to make use of any force, violence or restraint, or inflict, or threaten to inflict, by himself, or by any other person, any temporal or spiritual injury, damage, harm, or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person, having voted or having refrained from voting at any election, or who shall,

by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise of any elector, or who shall thereby compel, induce or prevail upon any elector either to give or refrain from giving his vote at any election, shall be guilty of undue influence and shall be liable to forfeit the sum of two hundred dollars to any person who shall sue for the same, together with costs of suit.

149. It shall be unlawful to commence or continue in any electoral district, or division of a district, within ten days of an election of a member of the House of Assembly, any public work under the control of any Department of the Civil Service of the Colony; provided that this section shall not be held to apply to—

- (1) Any work performed under any contract made under, or pursuant to, any Act of the Legislature specially authorizing such contract;
- (2) Any work made urgently necessary by flood or fire, or any other accident, and which shall be specially directed to be performed as urgent by Order in Council.

Any such first mentioned public work shall be deemed to be a corrupt and illegal practice within the meaning of this Chapter.

150. Any candidate for election as a member to serve in the House of Assembly, who travels to or from any place, or from place to place, within any district, by any steamer employed by the Government in connection with the election shall be guilty of a corrupt and illegal practice within the meaning of this Chapter.

151. It shall be unlawful for any candidate, or for any person on his behalf, to direct, control, or advise any Returning Officer in or about any matter of or pertaining to the duties of such Returning Officer, and any candidate or any other person by whom the provisions of this section are contravened shall be guilty of a corrupt and illegal practice within the meaning of this Chapter.

152. No person in the employ of any Department of the Government, or employed upon any public works under any department of the Government, or employed on any public work being performed under a contract with the Government shall be eligible to hold any office in connection with any election, or to act as any candidate's agent: Provided that the provisions of this section shall not be taken to apply to any District Judge, Stipendiary Magistrate, Clerk of the Peace, Deputy Land Surveyor, Surveyor of Lumber, Fishery Warden or Constable.

153. It shall be unlawful for any candidate, or for any person on his behalf, to pay any money to any agent of any candidate, and any candidate or other person by whom such payment is made shall be guilty of a corrupt and illegal practice within the meaning of this Chapter.

154. The fees to be paid in connection with any election shall be those contained and set forth in Schedule N. N. to this Chapter.

155. The offences of bribery, treating or undue influence, or any of such offences as defined by this Chapter or any other Act of the Legislature of this Colony, personation or the inducing any person to commit personation, or any wilful offence against any one of the fourteen next preceding sections of this Chapter, shall be corrupt practices within the meaning of the provisions of this Chapter.

156. No person shall be excused from answering any question put to him in any action, suit or other proceeding in any Court, or before any Judge, Commissioner or other tribunal, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person as an offender under this Chapter.

157. Every executory contract or promise or undertaking between a candidate or his agent and an elector for the district, or in which the elector is beneficially interested in any way, referring to, arising out of or depending upon any election under this Chapter, even for the payment of lawful expenses or the doing of some lawful act, shall be void in law but this provision shall not enable any person to recover back any money paid for lawful expenses connected with such election.

158. All persons who have any bills, charges or claims upon any candidate for or in respect of any election, shall send in such bills, charges or claims to the candidate or his agent or agents within two months after the day of the declaration of the election; otherwise such persons shall be barred of their right to recover such claims, and every or any part thereof. Provided always that in the event of the death, within the said two months, of any person claiming the amount of any such bill, charge or claim, the legal representative of such person shall send in such bill, charge or claim within one month of his obtaining probate or letters of administration or of his becoming otherwise able to act as such legal representative, otherwise the right to recover such claim shall be barred as aforesaid, and provided also that such bills, charges and claims shall and may be sent in and delivered to the candidate or his agent or agents, if any, so long as during

the said two months there shall, owing to death or legal incapacity, be no such agent and provided also that the agent shall not pay any such bill charge or claim without the authority of the candidate as well as the approval of the agent.

159. A detailed statement, verified by affidavit, of all election expenses incurred by or on behalf of any candidate including such expected payments as aforesaid, shall, within three months after the election (or in any case where, by reason of the death of the creditor, no bill has been sent in within such period of three months, then within one month after such bill has been sent in), be made out and signed by the candidate, or if there be more than one, by every candidate who has paid the same, and delivered with the bills and vouchers relative thereto to the Colonial Secretary; and any candidate who makes default in delivering to the Colonial Secretary the statements required by this section shall incur a penalty not exceeding ten dollars for every day during which he so makes default, and any candidate who wilfully furnishes to the Colonial Secretary any untrue statement shall be guilty of an offence against this Chapter; and the said Colonial Secretary shall preserve all such bills and vouchers, and during the six months next after they shall have been delivered to him shall permit any voter to inspect the same on payment of a fee of twenty cents.

160. No Returning Officer or Deputy Returning Officer for any polling district, nor any partner or clerk of either of them, shall act as agent for any candidate in the management or conduct of his election for such district and if any Returning Officer or Deputy Returning Officer, or the partner or clerk of either of them, so acts, he shall be liable to a penalty not exceeding one hundred dollars, to be recovered in a summary manner before a Stipendiary Magistrate.

161. The words "personal expenses," as used in this Chapter, with respect to the expenditure of any candidate in relation to the election at which he is a candidate, shall include the reasonable travelling expenses and his living at hotels or elsewhere, for the purpose of and in relation to such election.

162. The pecuniary penalties hereby imposed for any offences under this Chapter shall, unless otherwise provided, be recoverable by action or suit by any person who shall sue for the same, together with costs of suit.

163. In case of any indictment or information by any private prosecutor for any offence against the provisions of this Chapter, if judgment

shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the defendant by reason of such indictment or information, which costs shall be taxed by the Court.

164. No person shall be liable to any penalty or forfeiture hereby enacted or imposed unless such prosecution, action or suit for the offence committed shall be commenced against such person within the space of six months next after such offence shall have been committed.

165. In any action for the recovery of a penalty or forfeiture under this Chapter, it shall suffice for the plaintiff to declare that the defendant is indebted to him in the amount of the penalty or forfeiture and to allege the particular offence for which the action is brought, and that the defendant hath acted therein contrary to this Chapter, without mentioning the writ for the holding of the election or the return thereof.

PART V.

TRIAL OF CONTROVERTED ELECTIONS.

166. A petition complaining of an undue return or undue election of a member, or of no return or double return, or of any unlawful act committed by any candidate not returned by which such candidate is alleged to have become disqualified to sit in the House of Assembly, may be presented to the Supreme Court by any or more of the following persons:—

- (1) Some person who voted, or who had a right to vote, at the election to which the petition relates; or
- (2) Some person claiming to have a right to be returned or elected at such election; or
- (3) Some person alleging himself to have been a candidate at such election.

167. The following enactments are made with respect to the presentation of an election petition under this Chapter:

- (1) The petition need not be in any particular form, but it must complain of the undue election or return of a member, or that no return has been made, or that a double return has been made, or of matter contained in any special return made, or of some such unlawful act, as aforesaid, by any candidate not returned, and it must be signed by the petitioner, or all the petitioners, if there are more than one.

- (2) The petition shall be presented within two months after the return has been made to the Colonial Secretary of the member to whose election the petition relates, unless it questions the return or election upon an allegation of corrupt practices, and specifically alleges a payment of money or other reward to have been made by any member, or on his account, or with his privity, since the time of such return, in pursuance or in furtherance of such corrupt practices, in which case the petition may be presented at any time within two months after the date of such payment.
- (3) At the time of the presentation of the petition, security for the payment of all costs, charges and expenses that may become payable by the petitioner shall be given by him, or on his behalf, and shall be by two approved sureties, or by a deposit of money with the Registrar of the Court to the amount of four hundred dollars; the Registrar shall give a receipt for such deposit, which shall be evidence of the sufficiency thereof.
- (4) Any candidate against whom a petition has been presented, may, within thirty days from the presentation of such petition, present a petition to the Court complaining of the undue return or undue election of any person, or of any unlawful act committed by any person who has been a candidate at the election to which such first mentioned petition relates.

168. Notice of the presentation of a petition under this Chapter, and of the security, accompanied with a copy of the petition, shall, if the respondent be resident within the central district, within five days, and in other cases within ten days, or such further time as the Court shall allow from the filing of the petition, be served on the respondent or respondents: Provided that substituted service may be made by leave of the Court, as prescribed by "The Judicature Act," 1904.

169. Within five days after service of the petition and notice, the respondent may file in the Registry any preliminary objection or grounds of insufficiency which he may have to urge against the petition or petitioner, or against any further proceeding thereon, and shall in such case at the same time serve a copy thereof upon the petitioner. If service be made without the Central District, the respondent may present, by filing as aforesaid, such objections and grounds within ten days, or such further time as may be allowed by the Court. The Court shall hear the parties

on such objections and grounds and shall decide the same in a summary manner.

170. Within five days after the decision upon the preliminary objections, if presented as aforesaid, and upon the hearing thereof, if disallowed, or on the expiration of the time for presenting the same, if none be presented, the respondent may file a written answer to the petition and serve a copy thereof upon the petitioner; but whether such answer be or be not filed, the petition shall be held to be at issue after the expiration of the time for filing the same, and the Court may, at any time thereafter, upon the application of either party fix some convenient time for the trial of the petition.

171. The Registrar shall keep a docket of all petitions presented under this Chapter, and at issue, placing them in the order in which they were presented, which shall be open to inspection by any person making application, and such petitions shall be tried in the order in which they stand on the list.

172. Every election petition shall be tried in St. John's by two Judges of the Supreme Court, without a jury.

173. Notice of the time and place at which election petitions will be tried shall be given not less than ten days before the day on which the trial is to take place.

174. The Judges at the trial may adjourn the same from time to time, as to them may seem necessary to the ends of justice.

175. At the conclusion of the trial the Judges shall determine whether the member whose election or return is complained of, or any or what other person was duly returned or elected, or whether the election was void, and shall forthwith certify in writing such determination to the Governor, appending thereto a copy of the notes of the evidence, and the determination thus certified shall be final to all intents and purposes.

176. Every certificate and report sent to the Governor, in pursuance of this Chapter, shall be under the hands of both Judges, and if the Judges differ as to whether the member whose return or election was complained of was duly returned or elected, they shall certify the difference and the member shall be deemed to be duly elected or returned; and if the Judges determine that such member was not duly elected or returned but differ as to the rest of the determination, they shall certify that

difference and the election shall be deemed to be void and if the Judges differ as to the subject of a report to the Governor, they shall certify that difference and make no report on the subject on which they so differ.

177. When any charge is made in an election petition of any corrupt practice having been committed at the election to which the petition refers, the Judges shall, in addition to such certificate, and at the same time, report in writing to the Governor, as follows:

- (1) Whether any corrupt practice has or has not been proved to have been committed by or with the knowledge or consent of any candidate at such election, and the nature of such corrupt practice.
- (2) The names of all persons (if any) who have been proved at the trial to have been guilty of any corrupt practice.
- (3) Whether any corrupt practices have, or whether there is reason to believe that corrupt practices have extensively prevailed at the election to which the petition relates.

178. When it is found by the report of the Judges upon a petition under this Chapter that bribery, treating or undue influence has been committed by, or with the knowledge or consent of any candidate at the election complained of, such candidate shall be deemed to be personally guilty of bribery, treating or undue influence, as the case may be, at such election, and his election, if he has been elected, shall be void, and he shall be incapable of again being a candidate for election during the existence of that Assembly to which he claimed to have been elected.

179. When, upon the application of any party to an election petition duly made to the Judges, it appears to such Judges that the case raised by the petition can be conveniently stated as a special case, they may direct the same to be so stated, and any such special case shall be heard before them, who shall thereupon give such judgment as to justice may appertain, and shall certify to the Governor their decision on such special case in the manner and time specified hereinbefore.

180. Unless the Judges otherwise direct, any charge of a corrupt practice may be gone into and evidence in relation thereto received before any proof has been given of agency on the part of any candidate in respect of such corrupt practice.

181. The Governor shall, at the earliest practicable moment after

he receives the certificate and report (if any) of the Judges, give the necessary directions and adopt all the proceedings necessary for confirming or altering the return, or for the issuing of a new writ for a new election, or for otherwise carrying the determination into effect.

182. Two or more candidates may be made respondents to the same petition, and their cases may, for the sake of convenience, be tried at the same time; but, for the purposes of this Chapter, such petition shall be deemed a separate petition against each respondent.

183. When more petitions than one are presented relating to the same election or return, all such petitions may be dealt with by the Court on the application of the respondent in the same manner as actions at *nisi prius* may now or hereafter be consolidated, according to the practice of the Supreme Court.

184. The Judges of the Supreme Court may from time to time make, revoke, alter, and amend general rules and regulations for the effectual execution of this Chapter, and the regulation of the practice and procedure hereunder, which rules and regulations shall, while in force, be deemed to be part of and incorporated with this Chapter.

185. In matters not by this Chapter, or by the rules and regulations under section 184 of this Chapter provided for, the principles, practice and rules respecting the trial of controverted elections in England shall apply and be deemed to be incorporated in the enactments herein made, so far as the same shall be deemed to be applicable.

186. An election petition may be withdrawn by leave of the Court on application of the petitioners, subject to such terms as the Court may direct, or may upon the application of the respondent and by leave of the Court, be dismissed after two months from the filing thereof, for want of prosecution.

187. When there are more petitioners than one, no application to withdraw a petition shall be made, except with the consent of all the petitioners.

188. If a petition is withdrawn, the petitioner shall be liable to pay the costs of the respondent, unless the Court otherwise order.

189. An election petition shall be abated in the following cases.

- (1) The death at any time before judgment of a sole petitioner, either candidate or otherwise.

(2) The death of a respondent.

(3) If a second respondent gives notice to the Court, supported by affidavit, of his intention to withdraw his opposition to the pending petition, and then upon terms to be imposed by the Court.

190. All costs, charges and expenses paid or incurred by any party to an election petition shall be taxed and allowed by the Registrar and may be recovered by execution as in ordinary cases.

191. In addition to the fees payable under the scale in "The Judicature Act," 1904, the Registrar shall be entitled to receive the following fees:

Taking recognisance\$2.50

Taxing costs 1.50 to \$5.00

according to the length and importance of the case.

192. The Court shall have all and the same powers as to summoning and compelling the attendance of witnesses and process and punishment for contempt as the Supreme Court. The general law of evidence and pleading shall in all particulars govern the proceedings and trial upon an election petition.

193. The Judges trying an election petition under this Chapter shall be deemed to be Judges sitting as the Supreme Court and the Court shall be a Court of Record.

194. Upon the trial of an election petition the trial judges shall be paid the sum of one hundred dollars out of the funds of the Colony.

195. To prevent the expense and trouble of new elections when unnecessary and useless in case a corrupt practice or practices be committed by an agent without the knowledge and consent of the candidate, if the corrupt practice or practices was or were of such trifling nature or extent that the result cannot have been affected by such practice or practices, either alone or in conjunction with other illegal practices at the election, such corrupt practice or practices shall not avoid the election.

196. If it appears to the Court upon the trial of an election petition that an act constituting in law a corrupt practice was committed by a candidate or with his knowledge and consent, but without any corrupt intent, and by an inadvertence which was involuntary and excusable, and that the evidence showed the candidate to have honestly desired and in

good faith endeavoured, as far as he could, to have the election conducted according to law, the candidate shall not be subjected to the penalties and disabilities which he would but for this section incur.

SCHEDULES.

A.

SECTION 8.

District of } *List of Electors.*

The list of persons entitled to vote in the election of a member (or members) for the district of

No.	Christian Name and Surname of each Elector.	Place of Abode.	Qualification.
1	Adams, John	Prescott Street, St. John's.	21 years and upwards.

B.

SECTION 10.

Notice to be attached to or published with the List of Electors.

I hereby give notice that the Justice of the Peace for this District will, on or before the day of in this year make out a list of all persons entitled to vote in the election of a member (or members) to represent the district of in the House of Assembly. And every person so entitled and whose name is not included in the above list, is hereby required to deliver or transmit to me, on or before the day of , in this year, a claim, in writing, containing his christian name and surname, and name of the place where he resided, his age, place of birth and the name of his father.

A. B.

C.

SECTION 10.

Notice of Claim to be given to the Magistrate or person making List.

I hereby give you notice that I claim to be inserted in the list of

electors for the district of _____ and that the particulars of my
qualification are stated below.

Dated at _____, the _____ day of _____, &c.
To Mr. E. F., or G. H., Esq.

(*Here state particulars of qualification.*)

D.

SECTION 17.

Notice to be given to the Voter objected to by the party objecting.

I hereby give notice that I object to your right of being registered as
an elector for the district of _____

Dated at _____, the _____ day of _____, &c.
J. N.

E.

SECTION 13.

District of _____ } *List of Electors.*

The list of persons entitled to vote in the election of a member (or
members) for the district of _____

No	Christian Name and Surname of each Elector.	Place of Abode.	Qualification.
1	Ayre, John	Prescott Street, St. John's.	21 years and upwards.

F.

SECTION 30.

Election Writ.

*GEORGE the Fifth, by the Grace of GOD, of the United Kingdom
[L.S.] of Great Britain and Ireland, and of the British Do-
minions beyond the Seas, King, Defender of the
Faith.*

To _____, Esquire, Greeting:

Whereas by Our Proclamation, bearing date the _____ day of
_____ in the _____ year of Our reign, we have made known to all
Our loving subjects within Our Island of Newfoundland, Our intention

to issue Our Writs for a General Election of Members to serve in the General Assembly of Our said Island (*omit these words except in case of a General Election.*)

We command you that, notice of the time and place of election being duly given, you do cause election to be made according to law of a member (*or as the case may be*) to serve in the House of Assembly of Newfoundland, for the electoral district of _____ (*except in the case of a general election, insert here "in the place of _____, deceased," or otherwise stating the cause of vacancy*), and that you do cause the nomination of candidates at such election to be held on the day of _____, and in case more candidates be nominated than the number required to be elected that you do hold a poll on the day of _____, and that you do cause the name (*or names*) of such candidate (*or candidates*) when so elected, whether he or they be present or absent, to be certified to our Colonial Secretary as by law directed.

Witness Our trusty and well-beloved _____,
Governor and Commander-in-Chief in and over Our
said Island and its Dependencies, at St. John's, in Our
said Island, the _____ day of _____, A.D. _____,
in the _____ year of Our reign.

A. B., Colonial Secretary.

INDORSEMENT.

Received the within writ on the _____ day of _____ 19 ____.
A. B., Returning Officer.

G.

SECTION 39.

Oath of the Returning Officer.

I, the undersigned A. B., Returning Officer for the Electoral District of _____, solemnly swear (*or if he be one of the persons permitted by law to affirm in civil cases, solemnly affirm*) that I am legally qualified according to law to act as Returning Officer for the said Electoral District of _____, and that I will act faithfully in that capacity, without partiality, fear, favor, or affection. So help me God.

A. B., Returning Officer.

Certificate of Returning Officer having taken Oath of Office.

I, the undersigned, hereby certify that on the
 day , 19 , A. B., the Returning Officer for
 the District of , took and subscribed before me the
 oath (*or affirmation*) of office in such case required of a Returning Offi-
 cer by Section 39, Chapter 3 of the Consolidated Statutes, (Third Ser-
 ies) entitled “Of the Election of Members to the House of Assembly.”

C. D., Justice of the Peace.

H.

SECTION 40.

Commission of an Election Clerk.

To E. F., (*set forth his legal addition and residence.*)

Know you, that in my capacity of Returning Officer for the Electoral
 District of , I have appointed and do hereby appoint you to
 be my Election Clerk, to act in that capacity according to law, at the
 approaching election for the said Electoral District of , which
 election will be opened by me on the day of , 19 .

Given under my hand this day of in the year 19 .

A. B., Returning Officer.

I.

SECTION 40.

Oath of the Election Clerk.

I, the undersigned E. F., appointed Election Clerk for the Electoral
 District of , solemnly swear (*or if he be one of the persons per-
 mitted by law to affirm in civil cases, solemnly affirm*) that I will act
 faithfully in my said capacity as Election Clerk, and also in that of Re-
 turning Officer if required to act as such, according to law without par-
 tiality, fear, favor, or affection. So help me God.

E. F., Election Clerk.

Certificate of the Election Clerk having taken the Oath of Office.

I, the undersigned, hereby certify that on the day
 of , 19 , E. F., Election Clerk for the Electoral District
 of , took and subscribed before me the oath (*or affirmation*)
 of office required in such case of an Election Clerk by Section 40 of Chap-
 ter 3 of the Consolidated Statutes (Third Series) entitled “Of the Elec-
 tion of Members to the House of Assembly.”

In testimony whereof, I have delivered to him this certificate under my hand.

C. D., Justice of the Peace.
or A. B., Returning Officer.

J.

SECTION 43.

NOTICE.

Electoral District of _____, to wit.

Public notice is hereby given to the electors of the electoral district aforesaid that in obedience to His Majesty's writ to me directed and bearing date the _____ day of _____, 19____, I require the presence of the said electors at (*describe the place*) in the district of _____ on the _____ day of _____, from ten a.m., until two of the clock in the afternoon, for the purpose of nominating a person (*or persons, as the case may be*) to represent them in the General Assembly of Newfoundland; and that in case a poll be demanded and allowed in the manner by law prescribed, such poll will be opened on the _____ day of _____, in the year 19____, from the hour of eight in the morning till four of the clock in the afternoon, in each of the polling districts fixed by the proclamation of His Excellency, dated the _____ day of _____, in the year 19____.

And further that at (*name the place*), I shall open the ballot boxes, count the votes given for the several candidates, and return as elected the one (*or as the case may be*) having the majority of votes of which all persons are hereby required to take notice and to govern themselves accordingly.

Given under my hand, at _____, this _____ day of _____, in the year 19____.

A. B., Returning Officer.

K.

SECTION 46.

Nomination Papers, etc.

We the undersigned electors of the electoral district of _____ hereby nominate (*name, residence and addition or description of person nominated, and if the candidate be absent from the place of nomination, add "who is absent from the place of nomination"*) as a candidate at the election now about to be held of a member to represent the said electoral district in the House of Assembly of Newfoundland.

Witness our hands, at _____, in the said Electoral District,
this _____ day of _____, 19 ____.

Signed by the said electors, in the presence of _____,
of _____, (additions).

Signatures, with residence and additions.

SECTION 47.

Consent to Nomination if Candidate be present.

I, the said _____, nominated in the foregoing nomination
paper hereby consent to such nomination.

Witness my hand at _____ this _____ day of _____, 19 ____.
Signed by the said nominee, in presence _____,
of _____, of _____, (additions).

L.

SECTION 48.

Oath of the Attestation of the Nomination Paper.

I, A. B., of _____, (additions), solemnly swear (or if he be one of
the persons permitted by law to affirm in civil cases, solemnly affirm)
that I know (mentioning the names of the signers known to him), and
that they are duly qualified as electors of the electoral district of

_____ to vote at an election of a member to serve in the House of
Assembly of Newfoundland, and that they respectively signed the fore-
going (or within) nomination paper in my presence and further (if the
case be so) that the said _____ thereby nominated as a candidate,
signed his consent to the nomination in my presence, (or is absent from
the place of nomination and has consented to his nomination, as the case
may be).

A. B.

Sworn (or affirmed) before me, at _____,
this _____ day of _____, 19 ____.

C. D.,

Justice of the Peace,
(or Returning Officer).

The forms in this Schedule may be varied according to circumstances,
the intention of the 48th section being complied with; and the assent of
the candidate may be sworn to by a separate elector, if the facts require it
to be so.

M. 1.

SECTION 50, SUB-SECTION (A).

Qualification in Income of Candidate Present.

I, A. B., of _____, (*name and address of the candidate*) do swear (*or affirm*) that I have resided in the Island of Newfoundland for the period of two years next preceding the day of this election of a member (*or members*) of the House of Assembly, for the district of (*naming the district*). That I truly and *bona fide* am possessed of a net annual income of four hundred and eighty dollars, and am otherwise qualified according to the law of this Island to serve in the House of Assembly of Newfoundland, and that my said income arises from and consists of (*here specify the source from which the income is derived*).

A. B.

Sworn (*or affirmed*) before me,
at _____, &c.

C. D., Returning Officer.

M. 2.

SECTION 50, SUB-SECTION (A).

I, A. B., of _____, (*name and addition of candidate*), do swear (*or affirm*) that I have resided in the Island of Newfoundland for the period of two years next preceding the day of this election of a member (*or members*) of the House of Assembly for the district of (*name the district*), and that I truly and *bona fide* am possessed of property, clear of all incumbrances, of two thousand four hundred dollars in amount or value, and that I am otherwise qualified, according to the law of this Island, to serve in the House of Assembly of this Island; and that my said property consists of (*here specify the character and description of the property and where situate*).

A. B.

Sworn (*or affirmed*) before me,

C. D., Returning Officer.

M. 3.

SECTION 50, SUB-SECTION (B).

Qualification in Income of Candidate Absent.

We, A. B. and C. D., of _____, (*names and additions of electors*), do swear (*or affirm*) that (*name of candidate*) is truly and *bona fide* possessed of a net annual income of four hundred and eighty

dollars, and is otherwise qualified, according to the law of this Island, to serve in the House of Assembly of Newfoundland; and that his said income consists of (*here state the source from which the income is derived*).

C. D.

Sworn (*or affirmed*) before me,
at .

E. F., Stipendiary Magistrate.

M. 4.

SECTION 50, SUB-SECTION (B).

Qualification in Property of Candidate Absent.

We, A. B. and C. D., of (names and additions of electors), do swear (or affirm) that (*name of candidate*) is truly and *bona fide* possessed of property, clear of all incumbrances, of two thousand four hundred dollars in amount or value and is otherwise qualified, according to the law of this Island, to serve in the House of Assembly of Newfoundland, and that his said property consists of (*here specify the character and description of the property and where situate*).

A. B.

Sworn (*or affirmed*) before me, at

E. F. Stipendiary Magistrate.

(*or Justice of the Peace, as the case may be*).

The forms in schedule M 3 and M 4 may be varied when the candidate is absent, so that the qualification may be sworn to (*or affirmed*) by the candidate, as provided in section 50 sub-section (b) of this Chapter.

N.

SECTION 51.

Return to Writ when Election not Contested.

I hereby certify that the member (*or members*) elected for the electoral district of , in pursuance of the within writ is (*or are*) A. B., of , no other candidate having been nominated (*or the other candidate or candidates having withdrawn, as the case may be*).

E. F., Returning Officer.

O.

SECTION 55.

Notice of Poll and Candidates.

Electoral District of , to wit.

Public notice is hereby given to the electors of the electoral district aforesaid, that a poll has been demanded at the election now pending for the same, and that I have granted such poll, and that the persons duly nominated as candidates at the said election, and for whom only votes will be received, are—

(Here insert the names and descriptions of the candidates, alphabetically arranged, in the same manner as they appear in the ballot papers, viz.) :—

1. DOE.

John Doe, of St. John's,
Gentleman.

2. ROE.

Richard Roe, of Carbonear,
Merchant.

3. STILES.

Geoffrey Stiles, of Fogo,
Fisherman.

4. STYLES.

John Styles, of Twillingate,
Physician.

Of which all persons are hereby required to take notice and govern themselves accordingly.

Given under my hand at , the day of , 19 .
A. B., Returning Officer.

(Printed directions to the voters in the following form must be appended to this notice, and must in all cases be posted up with it.)

DIRECTIONS FOR THE GUIDANCE OF ELECTORS IN VOTING.

Each elector, on entering the room where the poll is to be held, shall declare his name, surname and addition.

After so doing, he shall receive a ballot paper in the above form.

Each elector, if required by the Deputy Returning Officer, the Poll Clerk, one of the Candidates, or one of their Agents, shall, before receiving his ballot paper, take an oath of qualification.

The voter is to vote only for (*here insert the number of candidates.*)

After receiving his ballot paper the voter shall go into one of the compartments and, with a pencil there provided, place a cross in the division containing the name or names of the candidate or candidates for whom he intends to vote, thus **X**.

The voter will then fold the ballot paper, so as to show a portion of the back only, with the initials of the Deputy Returning Officer, and shall hand it so folded to the Deputy Returning Officer, and the Deputy Returning Officer shall, without unfolding it, ascertain that it is the ballot paper which he furnished to the elector, and then immediately place it in the ballot box.

If a voter inadvertently spoils a ballot paper he may return it to the Deputy Returning Officer, who will give him another.

If the voter votes for more candidates than he is entitled to vote for, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and will not be counted.

If a voter takes a ballot paper out of the polling station or fraudulently puts any other paper into the ballot box than the paper given him by the Deputy Returning Officer, he will be subject to be punished by fine of five hundred dollars, or by imprisonment for a time not exceeding six months, with or without hard labour.

P.

SECTION 54.

Oath of Candidate withdrawing from Nomination.

I, A. B., of _____, duly nominated as a candidate for election as a member of the House of Assembly, hereby withdraw from the said nomination, and do solemnly swear (*or affirm*) that I do so freely and voluntarily, and that I have not received, directly or indirectly, from any person or body, any gift, loan, offer, promise, or any promise to procure, or endeavour to procure any, money, office, place or appointment, or other consideration for such withdrawal.

A. B., Candidate.

Sworn (*or affirmed*) before me, at
this _____ day of _____, 19 ____.

C. D., Returning Officer,
(*or Justice of the Peace.*)

Q.

SECTION 55.

Commission of a Deputy Returning Officer.

To G. H., of _____, (*insert his legal addition and residence*).

Know you, that in my capacity of Returning Officer for the electoral district of _____, I have appointed and do hereby appoint you to be Deputy Returning Officer for the polling station number _____, at _____, in the said Electoral District of _____, there to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose and you are hereby authorized and required to open and hold the poll of such election for the said polling station on the _____ day of _____, at eight o'clock in the forenoon, at (*here describe particularly the place in which the poll is to be held*), and there to keep the said poll open during the hours prescribed by law, and to take at the said polling place by ballot, in the manner by law provided, the votes of the electors voting at the said polling place, and after performing the other duties required of you by law, to return to me forthwith the ballot boxes, sealed with your seal, and unused and spoilt ballot papers, voters' list and other documents required by law, together with this commission.

Given under my hand, at _____, this _____ day of _____, in the year 19 ____.

A. B., Returning Officer.

R.

SECTION 55.

Oath of Deputy Returning Officer.

I, the undersigned, G. H., appointed Deputy Returning Officer for the polling station number _____, at _____, in the Electoral District of _____, solemnly swear (*or being one of the persons permitted by law to affirm in civil cases, solemnly affirm*), that I will act faithfully in my said capacity of Deputy Returning Officer, without partiality, fear, favour or affection. So help me God.

G. H., Deputy Returning Officer.

Certificate of a Deputy Returning Officer having taken the Oath of Office.

I, the undersigned, hereby certify that on the _____ day of the month of _____, G. H., Deputy Returning Officer for the polling station, number _____, at _____ in the

Electoral District of _____, took and subscribed the oath (*or affirmation*) of office required in such case of a Deputy Returning Officer by section 55 of Chapter 3 of the Consolidated Statutes, (Third Series) entitled "Of the Election of Members of the House of Assembly.

In testimony whereof I have delivered to him this certificate under my hand.

E. F., Justice of the Peace.
or, A. B., Returning Officer.

S.

SECTION 56.

Form of Ballot Paper.

Election for the Electoral District of _____

1. DOE.

John Doe, of St. John's,
Gentleman.

2. ROE.

Richard Roe, of Carbonear,
Merchant

3. STILES.

Geoffrey Stiles, of Fogo,
Fisherman.

4. STYLES.

John Styles, of Twillingate,
Physician.

T.

SECTION 58.

Commission of a Poll Clerk.

To I. J., of _____ (*insert legal addition and residence*).

Know you, that in my capacity of Deputy Returning Officer for the polling station, number _____, at _____, in the Electoral District of _____, I have appointed and do hereby appoint you to

be Poll Clerk for the said polling station.

Given under my hand, at , this day of ,
in the year 19 .

G. H., Deputy Returning Officer.

U.

SECTION 58.

Oath of Poll Clerk.

I, the undersigned I. J., appointed Poll Clerk for the polling station, number , at , in the Electoral District of , do solemnly swear (*or affirm*) that I will act faithfully in my capacity of Poll Clerk and also of Deputy Returning Officer, if required to act as such, according to law, without partiality, fear, favour or affection.

I. J., Poll Clerk.

A. B., Returning Officer, or

C. D., Deputy Returning Officer.

V.

SECTION 60.

Commission of a Poll Clerk by a Poll Clerk acting as Deputy Returning Officer.

To , of (*insert his residence and legal addition.*)

Know you, that in my capacity of Acting Deputy Returning Officer for the polling station number , at , in the Electoral District of , in consequence of the decease (*incapacity to act, or as the case may be*), of the Deputy Returning Officer for the said polling station whose poll clerk I was, I have appointed and do hereby appoint you to be poll clerk for the said polling station number , in the said electoral District.

A. B., Poll Clerk acting as Deputy Returning Officer.

Oath of Poll Clerk appointed by Poll Clerk acting as Deputy Returning Officer.

The oath and certificate of its having been taken will be the same as in the case of a Poll Clerk appointed by the Deputy Returning Officer.

W.

SECTION 61.

Oath of Candidate's Agent.

I, A. B., of _____, do solemnly swear (*or affirm*) that I have been appointed by _____, one of the candidates for election for the electoral district of _____, to act as his agent.

A. B.

Sworn (*or affirmed*) before me, this day of _____
C. D., Returning Officer.

X.

SECTION 66.

Form of Statutory Declaration of Secrecy.

I solemnly promise and swear (*or affirm*) that I will not at the election for _____ do anything forbidden by section 67 of Chapter 3 of the Consolidated Statutes (Third Series), entitled "Of Election of Members to the House of Assembly," which has been read to me. So help me God.

Sworn (*or affirmed*) before me, at _____,
this _____ day of _____, 19 _____.

C. D.

Justice of the Peace (*or as the case may be.*)

Y.

SECTION 74.

Oath of Voter's Qualification.

I, A. B., solemnly swear (*or affirm*)—

1. That I am the person named or purporting to be named by the name of _____, (*and if there are more persons than one of the same name in the said list, inserting also his addition or occupation*) on the list of voters for polling station No. _____, in the Electoral District of _____.

2. That I am a British subject by birth (*or naturalization, as the case may be*), and that I am of the full age of twenty-one years.

3. That I have not voted before at this election, either at this or at any other polling place.

4. That I have not received anything, nor has anything been promised me, directly or indirectly. So help me God.

Sworn (or affirmed) before me at this day
of , 19 .

C. D., Deputy Returning Officer.

A. A.

SECTION 76.

Oath of Identity by an Elector after another has voted in his Name.

I solemnly swear (or affirm) that I am A. B., of ,
whose name is entered on the list of electors, (or supplementary list as
the case may be), and that I am qualified by law to vote at this election.

A. B.

Sworn (or affirmed), before me, at ,
this day of , 19 .

C. D., Deputy Returning Officer.

B. B.

SECTION 80.

Oath of Elector of Incapacity to Vote.

I, A. B., solemnly swear (or affirm) that I am unable to read and
to understand the ballot papers so as to mark the same (or that I am in-
capacitated by physical causes, as the case may be, from voting) without
the assistance of the Deputy Returning Officer.

NOTE—This oath is to be administered to each elector wishing his
ballot paper marked by the Deputy Returning Officer, but no certificate
need be signed by the elector.

C. C.

SECTION 84.

Form of Voters' List.

	Number.
	Name.
	Occupation.
	Residence.
	Voted or refused to vote.
	Sworn or affirmed, or refused to swear or affirm to qualification.
	Blind, or refused to swear or affirm to blindness.
	Unable to read, or refused to swear or affirm to inability.
	Second ballot.
	Second voter.
	Objections.
	Remarks.

D. D.

SECTION 88.

Oath of the Deputy Returning Officer after the Closing of the Poll

I, the undersigned Deputy Returning Officer for the polling station number _____, at _____, in the Electoral District of _____, do solemnly swear (or if he be one of the persons permitted by law to affirm in civil cases, do solemnly affirm) that to the best of my knowledge and belief, the voters' list kept for the said polling station, under my direction, hath been so kept correctly and that the total number of votes polled in the said list is _____, and that to the best of my knowledge and belief it contains a true and exact record of the votes given at the polling station in the said polling district as the said votes were taken thereat and that the ballot boxes, packets of ballot papers and other documents required by law to be returned by me to the Returning Officer have been faithfully and truly prepared by me, as directed by Section 88 of Chapter 3 of the Consolidated Statutes (Third Series), entitled "Of the Election of Members to the House of Assembly," for delivery to the legally appointed messenger, to the end that they may be transmitted to the Returning Officer, according to law.

Sworn before me at _____, this _____ day
of _____, 19 ____.

X. Y., Justice of the Peace.
Or, A. B., Returning Officer.

E. E.

SECTION 88.

Oath of the Poll Clerk after the closing of the Poll.

I, the undersigned Poll Clerk for the polling station, No. _____, at _____, in the electoral district of _____, do solemnly swear that the voters' list kept in and for the said (*as the case may be*), under the direction of G. H., who has acted as Deputy Returning Officer therein, has been so kept by me under his direction, as aforesaid, correctly, and to the best of my skill and judgment; that the total number of votes polled in the said list is _____, and to the best of my knowledge and belief it contains a true and exact record of the votes given at the said polling station as the said votes were taken at the said poll by the said Deputy Returning Officer.

J. J., Poll Clerk.

Sworn before me, at _____ this _____,
day of _____, 19 ____.

X. Y., Justice of the Peace,
Or, A. B., Returning Officer,
Or, G. H., Deputy Returning Officer.

F. F.

SECTION 90.

Appointment of Messenger to Collect Ballot Boxes.

To the Deputy Returning Officer at station, No. _____, at _____, in the electoral district of _____.

The bearer, A. D., has been appointed by me, under the provisions of section 90, of Chapter 3 of the Consolidated Statutes (Third Series) entitled “Of the Election of Members to the House of Assembly,” to collect the ballot boxes and packets of papers, which you are required by section 88 to deliver after the close of the poll to a messenger appointed by me.

C. D., Returning Officer.

Oath to be taken by Messenger before receiving Ballot Boxes and Packets of Papers from any Deputy Returning Officer.

I, A. B., of _____, solemnly swear (*or affirm*) that I am the legally appointed messenger of C. D., Returning Officer for the Electoral District of _____, for the purpose of collecting ballot boxes and packets of papers from the Deputy Returning Officers.

A. B., Messenger.

Sworn (*or affirmed*) before me, at _____,
this _____ day of _____, 19 ____.

E. F., Deputy Returning Officer.

G. G.

SECTION 90.

Oath of Messenger sent to collect the Ballot Boxes or to deliver them to the Colonial Secretary.

I, A. B., of _____, messenger, appointed by C. D., Returning Officer for the Electoral District of _____, do solemnly swear that I will, with all diligence, convey the several ballot boxes and parcels delivered into my possession by the several Deputy Returning Officers (*or by the Returning Officer, as the case may be*), to the said Returning Officer (*or to the Colonial Secretary, as the case may be*), and that I will not open or tamper with, nor permit any other person to open or tamper with, any of the said ballot boxes and parcels.

Sworn before me, at _____, this _____ day of _____, 19 ____.

X. Y., Justice of the Peace,

Or, A. B., Returning Officer,

Or, G. H., Deputy Returning Officer.

H. H.

SECTION 90.

Oath of Messenger on Delivery of Ballot Boxes.

I, A. B., of _____, messenger appointed by C. D., Returning Officer for the Electoral District of _____, do solemnly swear that the several ballot boxes and parcels delivered to me by the Deputy Returning Officer (*or Returning Officer as the case may be*), have not been opened or tampered with by me nor by any other person with my knowledge or consent, and that to the best of my knowledge they are in the same state as they were in when they came into my possession.

Sworn (*or affirmed*) before me, at _____,
this _____ day of _____, 19 ____.

X. Y., Justice of the Peace,

Or, A. B., Returning Officer,

Or, G. H., Deputy Returning Officer.

I. I.

SECTION 94.

Certificate of Deputy Returning Officer and Poll Clerk verifying Copy of Voters' List.

We, A. B. and C. D., Deputy Returning Officer and Poll Clerk, respectively, of polling station, No. _____, at _____, in the Electoral

District of _____, do solemnly swear (*or affirm*) that the accompanying copy of the voters' list kept at the said polling station, is correct in every particular, and contains a faithful record of the names of electors applying for ballot papers at the said election.

A. B., Deputy Returning Officer,
C. D., Poll Clerk.

Sworn (*or affirmed*) before me, at _____,
this _____ day of _____, 19 ____.
E. F., Stipendiary Magistrate,
(*Or Justice of the Peace, or Returning Officer, as the case may be.*)

J. J.

SECTION 102.

Returning Officer's Statement at conclusion of Counting.

1.—No. of Ballot Papers sent to D. R. O.	500
2.—No. of Ballot Papers said to be in the Ballot Boxes	350
3.—No. of Ballot Papers found in Ballot Boxes	345
4.—No. of unused and spoilt Ballot Papers said to be returned ..	150
5.—No. of unused and spoilt Ballot Papers actually returned	145
6.—No. of Ballot Papers accepted when counting	320
7.—No. of Ballot Papers rejected when counting	25
8.—Votes counted for John Doe	250
9.—Votes counted for Richard Doe	152
10.—Votes counted for Geoffrey Stiles	205
11.—Votes counted for John Styles	275

I, A. B., Returning Officer for the Electoral District of _____, do solemnly swear (*or affirm*) that the above statement is correct in every particular.

A. B., Returning Officer.

Sworn (*or affirmed*) before me, at _____,
_____ A. D. 19 ____.
C. D., Stipendiary Magistrate,
(*or Justice of the Peace, as the case may be.*)

NOTE.—The figures in the above statement are given to illustrate what is wanted in the statements. No. 2 and 4 added, should amount to No. 1, and if they do not, the discrepancy should be explained, if possible, by a foot note. No. 2 should agree with No. 3, and No. 4 with No. 5; if not, the discrepancy should be explained. Nos. 6 and 7 added must coincide with 3.

K. K.

SECTION 103.

Return after a Poll is taken.

I hereby certify that the member (or members) elected for the Electoral District of _____, in pursuance of the Writ to me directed, as having received the majority of votes lawfully given is (or are):

(Here insert the names, placing first the name of the candidate who received the most votes, when more than one have been elected.)

This _____ day of _____, 19 _____.

A. B., Returning Officer.

L. L.

SECTION 85.

Form of Oath to be administered to a Voter.

You swear (a) that you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, or any other service connected therewith.

(a) If the agent is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

M. M.

SECTION 86.

Form of Oath to be administered to Candidate's Agent.

You swear (a) that you do not require the oath relating to bribery to be administered to the voter now present for the purpose of causing delay in the polling at this booth.

(a) If the agent is a person who may by law affirm in civil cases, then for "swear" substitute "solemnly affirm."

N. N.

SECTION 154.

Returning Officer	\$75.00
Election Clerk	50.00
Deputy Returning Officer	10.00
Poll Clerk	6.00
Door-keeper (or Special Constable)	1.00
Booth Hire	5.00
When there is no contest the fees shall be:	
Returning Officer	50.00
Election Clerk	25.00

CHAPTER 4.

Of Legislative Disabilities and the Vacation of Seats in the House of Assembly.

SECTION

- 1.—Persons holding office under Government not eligible to be elected members of House of Assembly.
- 2.—Exceptions.
- 3.—Vacation of seat by acceptance of office.
- 4.—Upon vacancy writ for new election to issue.
- 5.—Members who may be re-elected.

SECTION

- 6.—Members resigning to pay expenses of new election.
- 7.—Receipt of sessional pay not to vacate seat.
- 8.—Seat in Legislative Council to become vacant upon nomination as candidate for House of Assembly.
- 9.—Penalty for sitting and voting when ineligible or disqualified.

1. Except as in section 2 provided no person shall be eligible to be elected, or shall sit or vote as a member of the House of Assembly:—

- (1) Who shall hold any office, place or appointment of profit or emolument from or under the Government of this Colony, or from or under either branch of the Legislature, or from or under any board or public body, the members whereof are appointed by the Government, or
- (2) Who shall directly or indirectly by himself or by any person in trust for him or for his use or benefit, or on his account, undertake, execute or enjoy, in whole or in part, any contract or agreement for or on account of the public service.

2. The above section shall not apply or extend to or include or in any way affect the following persons, that is to say:

- (1) The persons who may respectively hold the offices of Attorney General, Colonial Secretary, Minister of Finance and Customs, Solicitor General, Minister of Agriculture and Mines, Speaker or Deputy Speaker or Chairman of Committees of the House of Assembly, Minister of Public Works or Minister of Marine and Fisheries.
- (2) Any person holding the office of Director or Governor of the Newfoundland Savings Bank.
- (3) Any person who may hold a commission or appointment in His Majesty's Army or Navy.

- (4) Any person who may hold any office which now is or hereafter may be compulsory or obligatory on pain of fine or penalty for non-acceptance.
- (5) Any person who shall accept any acting appointment when such acting appointment shall not be held for a longer period than six months: Provided that no person shall hold an acting appointment for a longer period than six months or more than one acting appointment for a longer time in the aggregate than six months, during the continuance of any General Assembly, except in the case provided for by subsection 14.
- (6) Any person holding any office, place, or appointment from or under the Government, or from or under either branch of the Legislature, or from or under any public board or other public body, if such person hold such office, place or appointment upon the condition of discharging and do truly discharge the duties thereof without being entitled to or actually receiving salary, pay, profit or emolument for the same.
- (7) Any person elected or appointed to any commission or committee, whether within or without the Legislature, for the purpose of discharging duties in relation to the Legislature or legislation, whether in or out of Legislative Session.
- (8) Any person appointed to perform or discharge any act or function in relation to the compensation of parties whose interests in lands or whose rights are affected by any Act of the Legislature: Provided that such appointment be for a specified purpose or definite object and be not of a permanent character, nor an office, place or appointment conferred for life, or during good behaviour, or during the pleasure of the Crown.
- (9) Any member of the Board of Works, or of any Board of Education, or of any Board of Health, or any Commissioner of Pilots.
- (10) Any person acting as Solicitor, or Counsel for the Crown, the Government, or for either branch of the Legislature, or for any public department, public board, or public body, in any civil, criminal, or *quasi* criminal proceeding.

- (11) Any member of an incorporated body, or a member of a firm or trading company, contracting originally or by way of assignment for the public service, when such contract is made for the benefit of such incorporated body, firm or company.
- (12) Any person taking or holding the debentures of the public debt or any stock the interest and repayment of which are guaranteed by the Colony.
- (13) Any person who shall sell to the Government, or either branch of the Legislature, or any public board or body, any goods, wares or merchandize: Provided that such sale is not under or in the nature of a continuing contract express or implied, with any of the persons aforesaid, for the supply of goods, wares or merchandize.
- (14) Any person who shall accept an acting appointment to any office in place of the holder of such office, during his temporary absence from the Colony, or during his illness.

3. Whenever any member of the House of Assembly of this Colony shall—

- (1) Accept any office, place, or appointment of profit or emolument from or under the Crown or the Government of this Colony; or,
- (2) From or under any board or public body, the members whereof are nominated by the Government; or,
- (3) Shall directly or indirectly, himself, or by any person whosoever in trust for him or for his use or benefit, or on his account undertake, execute, or enjoy, in whole or in part, any contract or agreement for or on account of the public service; or,
- (4) Shall, by writing under his hand, tender to the Governor the resignation of his seat in the House of Assembly; or,
- (5) Shall become bankrupt or be declared insolvent;

his seat shall thereupon become vacant; provided, that this section shall not apply to any person mentioned in, and privileged by, sub-sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of section 2 of this Chapter, except in case of the insolvency or bankruptcy or resignation of such person, or to any person holding any of the following offices, that is to say, of Attorney

General, Solicitor General, Colonial Secretary, Minister of Finance and Customs, Minister of Agriculture and Mines, Minister of Public Works, Minister of Marine and Fisheries, and who being at the same time a member of the House of Assembly, shall resign his office and within six months after such resignation accept of any other of such offices; unless the administration in or under which he held such office shall have resigned and a new administration shall have been formed and shall have occupied the said office.

4. Whenever a vacancy shall occur in the House of Assembly the Governor shall, within six months after the happening of such vacancy, issue a writ for the election and return of a member for the district in respect of which such vacancy has occurred.

5. Nothing herein contained shall prevent a member so accepting any of the offices named in sub-section 1 or section 2, or who shall have resigned, or, having become bankrupt or insolvent shall have received a certificate of discharge according to law, from being re-elected a member of the House of Assembly.

6. Any member so resigning, and offering himself as a candidate at the election consequent on such resignation, shall bear the expenses of such election, so far as the same have been usually borne by the Colony, and shall, before he shall be nominated as a candidate for such election, deposit with the Colonial Secretary such sum of money, not exceeding the amount paid by the Colony for the last preceding election in the district for which such member had been returned, as the Governor in Council shall direct; which sum, or so much thereof as may be required for that purpose, shall be applied by the said Colonial Secretary in discharge of such expenses.

7. A member of the House of Assembly who receives sessional pay, voted by the Legislature, shall not be deemed on that account alone to hold an office, place or appointment of profit or emolument within the meaning of this chapter.

8. Any person holding a commission as a member of the Legislative Council of this Colony, who shall hereafter be nominated as a candidate at any general or other election of members or of a member to serve in the House of Assembly of this Colony, shall thereupon cease to be a member of the said Legislative Council, and the commission of such person as a member of the said Legislative Council shall thereupon and thereby become and be vacated and superseded.

9. If any person, by this Chapter declared to be ineligible to be elected to, or disqualified to sit or vote in, the House of Assembly, shall be elected a member for any district, such election shall be void; and if any person disqualified, or whose seat shall have become vacant as aforesaid, by this Chapter, shall sit or vote as a member of the House of Assembly, he shall, for each time he shall sit or vote, forfeit and pay the sum of two hundred and thirty dollars, to be recovered by any person who shall sue for the same in the Supreme Court.

CHAPTER 5.

Of a Vacancy in the Office of Speaker.

SECTION I.—When Speaker unable to attend, House may elect member to act as Speaker.

1 Whenever the Speaker of the House of Assembly shall be unable to attend the House, upon the same being certified to the satisfaction of the House, the members or a majority of them present may elect from amongst them one of such members, who shall, during the absence of the Speaker, take the chair and act as Speaker; and every act passed and every order made and thing done by the said Assembly whilst such member is acting as Speaker as aforesaid, shall be as valid and effectual as if done whilst the Speaker himself was presiding in the chair.

CHAPTER 6.

Of the Office of Clerk of the House of Assembly.

SECTION

- 1.—Appointment of Clerk of Assembly; oath of office.
- 2.—Appointment of Clerk Assistant; oath of Office.

SECTION

- 3.—Duties of Clerk and Clerk Assistant.
- 4.—Similar to those in Imperial Parliament.

1. The Clerk of the House of Assembly shall when appointed take the oath of office before the Speaker of the House of Assembly, who is hereby empowered to administer the same, as follows:—

“I, _____, appointed to the office of Clerk to the House of Assembly of Newfoundland, do swear that I will make true entries, remembrances and journals, of the things done and passed in the said Assembly.”

2. The Clerk Assistant of the House of Assembly shall when appointed take the oath of office before the Speaker of the House, who is hereby empowered to administer the same, as follows:—

“I _____, appointed to the office of Clerk Assistant of the House of Assembly of Newfoundland, do swear that I will diligently, faithfully and impartially discharge the duties of Clerk Assistant to the House of Assembly, to the best of my knowledge and ability.”

3. The Clerk and Clerk Assistant of the Assembly shall have the custody of and be responsible for the safe-keeping of the records of the House and all despatches, bills, petitions and documents presented to or laid on the table of the House of Assembly, and shall produce the same when required by the Speaker or by his order on motion of any member of the House.

4. The general duties of the clerks of the House of Assembly, where no special provision is made, shall be similar to those of the clerks of the House of Commons in England, according to the practice of Parliament, or as may be provided by resolution of the House of Assembly.

CHAPTER 7.

Of the Internal Economy of the Legislature.

SECTION

- 1.—In case of dissolution Speaker to act till another is chosen.
- 2.—Officers.
- 3.—Law Clerk.
- 4.—Commission; how communicated; quorum.
- 5.—Estimates to be made by Clerk of Legislative Council and by Clerk of House of Assembly and submitted to Commission; Commission to prepare estimate.

SECTION

- 6.—Sums voted on estimates to be held by Receiver General, subject to order of Commissioners.
- 7.—Commissioners may pay necessary money into a bank to the credit of the Clerks.
- 8.—Surplus moneys to be repaid to Receiver General.
- 9.—Commission may appoint subordinate officers.
- 10.—Commission may arrange for reporting.
- 11.—President or Speaker may suspend or remove any clerk, officer or messenger for misconduct.

1. The person who fills the office of Speaker at the time of any dissolution of the Legislature shall, for the purposes of the following provisions of this Chapter, be deemed to be the Speaker until a Speaker is chosen by the new Legislature.

2. The Governor in Council may, by Commission under the Great Seal, appoint the following officers:—

- (a) The Clerk of the Legislative Council;
- (b) The Gentleman Usher of the Black Rod;
- (c) The Clerk of the House of Assembly;
- (d) The Assistant Clerk of the House of Assembly;
- (e) The Sergeant-at-Arms of the House of Assembly.

3. The Governor in Council may, by Commission under the Great Seal, appoint a Law Clerk of the Legislature, who shall be *ex officio* Master-in-Chancery of the Legislative Council and Solicitor of the House of Assembly.

4. The Governor in Council shall appoint a Commission of Internal Economy of the Legislature, consisting of the President and two members of the Legislative Council, and the Speaker and three members of the Executive Council who are members of the House of Assembly. The

appointment of the Commissioners shall be communicated by message of His Excellency the Governor to the Legislative Council and House of Assembly respectively, in the first week of each Session of the Legislature. Any four of the said Commissioners may carry the provisions of this Chapter into execution.

5. An estimate shall be annually prepared by the Clerk of the Legislative Council of the sums which will probably require to be provided by the Legislature for payment of the indemnity of members and of the salaries, allowances and contingent expenses of the Legislative Council, and the several officers and clerks thereof, during the year commencing the first day of July in each year and an estimate shall be annually prepared by the Clerk of the House of Assembly of the sums which will probably require to be provided by the Legislature for the payment of indemnity of members, and of the salaries, allowances and contingent expenses of the House, and the several officers and clerks thereof, during the year commencing on the first day of July in each year; and such estimates shall be submitted to the Commission of Internal Economy for their approval, and shall be subject to such approval and such alterations as the Commission consider proper, and the Commission shall thereupon prepare an estimate of the sums necessary for the several purposes aforesaid, and shall transmit the same to the Minister of Finance and Customs for his approval, to be laid before the House of Assembly with the other estimates for the year.

6. All sums of money voted by the Legislature upon such estimates shall be paid over to and held by the Minister of Finance and Customs, subject to the order of the Commissioners, and shall be paid or transferred to them or their order at any time, and from time to time, in such sums as they deem requisite.

7. All the sums mentioned in the next preceding section shall be paid according to the directions of the Commissioners from time to time, and the Commissioners may from time to time pay or transfer such sums as they deem necessary for that purpose into a bank to the credit of the Clerks of the Legislative Council and House of Assembly respectively, by an order signed by two of the Commissioners, and in case of the death or removal from office of any such Clerk, the moneys standing to his credit in the account aforesaid shall be forthwith paid by such bank to the Commissioners.

8. If the sums voted by the Legislature are in any year more than sufficient to pay and discharge all charges thereon, the Commissioners

shall, within six weeks after the end of the Session, after retaining in their hands a sum sufficient to answer all demands in respect of the same which are likely to arise before the beginning of the next Session, pay the surplus to the Minister of Finance and Customs.

9. The Commission of Internal Economy shall appoint all such door-keepers, messengers, and other subordinate officers, as they may consider necessary for the conduct of the business of the Legislature.

10. The Commission of Internal Economy may, prior to the meeting of the Legislature, make such arrangements as they may deem necessary for the reporting and publishing of the proceedings, and for the miscellaneous printing of both Houses of the Legislature and shall, within seven days of the opening of the Legislature, lay a report of such arrangements upon the table of said Houses, respectively, for approval.

11. If any complaint or representation is at any time made to the President or Speaker of the misconduct or unfitness of any clerk, officer or messenger, or other person attendant upon the Legislative Council or House of Assembly, respectively, the President or Speaker may cause an enquiry to be made into the conduct or fitness of such person, and if there-Speaker may, if such clerk, officer, messenger, or other person has been guilty of misconduct, or is unfit to hold his situation, the President or Speaker may, if such clerk, officer, messenger, or other person, has been appointed by the Crown, suspend him, and report such suspension to the Governor in Council; and, if he has not been appointed by the Crown, the President or Speaker may suspend such person and report such suspension to the Commission of Internal Economy.

TITLE III.

OF THE PUBLIC SERVICE

CHAPTER 8.

Of the Department of Justice.

SECTION

- 1.—Department constituted; Minister of Justice to preside.
- 2.—Appointment of Deputy Minister of Justice and assistants.

SECTION

- 3.—Duties of Minister as official legal adviser of the Crown; General duties.
- 4.—Duties of Attorney General.
- 5.—Governor in Council may assign new duties and powers.

1. There shall be a Department of the Civil Service, which shall be called "The Department of Justice," over which the Minister of Justice of Newfoundland, appointed by the Governor in Council by commission under the Great Seal of the Colony, shall preside; and the Minister of Justice shall, *ex officio*, be His Majesty's Attorney General of Newfoundland, and shall hold office during pleasure, and shall have the management and direction of the Department of Justice.

2. The Governor in Council may appoint an officer who shall be called the "Deputy Minister of Justice," and such officers, clerks and servants as are requisite for the proper conduct of the business of the Department, all of whom shall hold office during pleasure.

3. The duties of the Minister of Justice shall be as follows: He shall be the official legal adviser of the Governor, and a member of the Executive Council; he shall see that the administration of public affairs is in accordance with law; he shall have the superintendence of all matters connected with the administration of justice in Newfoundland; he shall generally advise the Crown upon all matters of law referred to him by the Crown; and he shall be charged generally with such other duties as are at any time assigned by the Governor in Council to the Minister of Justice.

4. The duties of the Attorney General of Newfoundland shall be as follows: He shall be intrusted with the powers and charged with the

duties which belong to the office of the Attorney General of England, by law or usage, so far as the same powers and duties are applicable to Newfoundland.

5. The Governor in Council may assign any new or other duty or power to the Minister of Justice, and may also assign any of the duties or powers hereinbefore enumerated to the Minister of any other department.

CHAPTER 6.

Of the Departments under the Colonial Secretary.

SECTION

- 1.—Departments constituted.
- 2.—Appointment of Deputy Colonial Secretary, and Commissioner of Public Charities.
- 3.—General Duties of Department of Colonial Secretary.
- 4.—General duties of Department of Charities.

SECTION

- 5.—Minister to be Registrar General.
- 6.—Powers of Deputy Colonial Secretary.
- 7.—Powers of Minister.
- 8.—Governor in Council may assign new duties and powers.
- 9.—Transfer of Officers.
- 10.—Minister to report to Legislature.

1. There shall be a Department of the Civil Service which shall be called "The Department of the Colonial Secretary," and a Department which shall be called "The Department of Public Charities," over which a Minister to be called "The Colonial Secretary," appointed by the Governor in Council, by commission under the Great Seal, shall preside; and the Minister shall have the management and direction of the said Departments and shall hold office during pleasure.

2. The Governor in Council may appoint an officer who shall be called "The Deputy Colonial Secretary," who shall be the deputy head of the Department of the Colonial Secretary; and an officer who shall be called "The Commissioner of Public Charities," who shall be deputy head of the Department of Public Charities; and the Governor in Council may also appoint such other officers as are necessary for the proper conduct of the business of the said departments, all of whom shall hold office during pleasure.

3. The Department of the Colonial Secretary shall have charge of the State correspondence, and shall keep all State records and papers not especially transferred to other departments, and shall perform such other duties as are from time to time assigned to it by the Governor in Council.

4. The Department of Public Charities shall have charge of the expenditure for the relief of permanent and transient paupers, and of the admission of all patients into the Lunatic Asylum, Poor Asylum, and St. John's General Hospital; and also the supervision of public health and quarantine, and the enforcement of the laws relating thereto, including the laws relating to the Board of Health.

5. The Colonial Secretary shall be the Registrar General of the Colony, and as such shall register all instruments of summons, proclamations, commissions, letters-patent, writs and other instruments and documents issued under the Great Seal, and all bonds, warrants of extradition, warrants for remand of prisoners, and all other instruments requiring registration.

6. The Deputy Colonial Secretary may sign and certify to the registration of all instruments and documents required to be registered, and all such copies of the same, or of any records in the custody of the Registrar General, as are required to be certified or authenticated as being copies of any instruments, documents or records as aforesaid; and in the absence of the Minister, by his direction, or by order of the Governor in Council, may sign any proclamation, summons, commission, letters-patent or other instruments or documents which the Minister might sign.

7. The following subjects shall be under the control and direction of the Colonial Secretary:—

- (a) Education.
- (b) Elections and registration of voters.
- (c) Census and Vital Statistics.
- (d) Patents, Copyrights and Trademarks.
- (e) Newspapers.
- (f) Public Printing and Stationery.
- (g) Weights and Measures.
- (h) Licenses and laws relating to Intoxicating Liquors.
- (i) Marriage.

8. The Governor in Council may at any time assign any new or other duty or power to the Department of the Colonial Secretary, or the Department of Public Charities; and may also assign any new or other duty not hereinbefore enumerated to the Minister of any other Department.

9. Persons employed in any one branch of the Departments created by this Chapter may be directed by the Minister to perform any duty in or about any other branch.

10. The Minister shall annually lay before both Houses of the Legislature, within fifteen days after the commencement of the annual session, a report of the proceedings, transactions and affairs of the Department of the Colonial Secretary, and the Department of Public Charities during the year then preceding.

CHAPTER 10.

Of the Departments of Finance and Customs.

SECTION.

- 1.—Departments constituted; Minister to preside.
- 2.—Appointment of Deputy Minister of Finance and Assistant Collector of Customs, and other officers.
- 3.—Matters within control of Department of Finance.
- 4.—Duty of Deputy under Minister.
- 5.—Duty of Deputy.
- 6.—Returns to be transmitted to Deputy.
- 7.—Matters within control of Department of Customs.

SECTION

- 8.—Duties of officers, etc.
- 9.—Minister to make annual report.
- 10.—Constitution of Treasury Board; Powers of Board.
- 11.—Minister to be Chairman.
- 12.—Plan of account books and accounts to be designed under superintendence of Board.
- 13.—Board may direct officers, &c., to keep accounts.
- 14.—Assignment of new duties, etc., by Governor in Council.

1. There shall be a Department which shall be called the "Department of Finance," and a Department which shall be called the "Department of Customs," over which the Minister of Finance and Customs, appointed by the Governor in Council by commission under the Great Seal, shall preside; and the Minister shall have the management and direction of the said Departments, and shall hold office during pleasure.

2. The Governor in Council may appoint an officer, who shall be called "The Deputy Minister of Finance," who shall be the Deputy Head of the Department of Finance; and an officer, who shall be called the Assistant Collector of Customs, who shall be the Deputy Head of the Department of Customs; and the Governor in Council may also appoint such officers as are necessary for the proper conduct of the business of the said Departments, all of whom shall hold office during pleasure.

3. The Department of Finance shall have the supervision, control and direction of all matters relating to the financial affairs and public accounts, revenue and expenditure of the Colony, which are not, or in so far as they are not, by law or by order of the Governor in Council, assigned to any other Department of the Civil Service, and shall exercise such other duties as are from time to time assigned to it by the Governor in Council.

4. The Deputy Minister of Finance shall, under the Minister, keep the accounts with the bank or banks receiving or paying public moneys, the accounts of interest paid upon the Colony's bonds, debentures or other securities, and the public accounts of the Colony.

5. The Deputy Minister of Finance shall classify all appropriations of public moneys, and keep posted up a book to be called the appropriation book, containing an account, under separate and distinct heads, of every such appropriation, whether permanent or temporary, entering under each head the amounts drawn on account of such appropriation, with the dates and names of the persons to whom payments are made.

6. All returns and statements required from Savings' and other banks, and all other institutions required to make financial statements or returns, shall hereafter be transmitted to the Deputy Minister of Finance to be laid before the Legislature.

7. The Department of Customs shall have the control and management of the collection of the duties of Customs and Excise, and of matters incidental thereto, and of the officers and servants employed in that service, and the Minister shall be the Collector of Customs for the Colony.

8. All officers and clerks of and in the Departments created by this Chapter shall respectively have and perform such duties as are assigned to them by law, or by the Governor in Council, or by the Minister of Finance and Customs; and such arrangements, distribution or union of the various duties, functions and business devolving on the several branches of the said Departments, or such amalgamation thereof, may be made as the Minister of Finance and Customs, with the approval of the Governor in Council, may from time to time direct.

9. The Minister shall make and submit to the Governor annual reports on all the affairs of the several Departments under his control, to be laid before both Houses of the Legislature within fifteen days from the commencement of the annual session.

TREASURY BOARD.

10. There shall be a Board to be called "The Treasury Board," consisting of the Minister of Finance and Customs, the Minister of Justice, the Colonial Secretary, and one other of the members of the Executive Council, to be nominated by the Governor in Council; the said Board shall act as a Committee of the Executive Council of the Colony on all matters relating to finance, revenue and expenditure, or public accounts which are referred to it by the Council, or to which the Board thinks it necessary to call the attention of the Council, and shall have power to require from any public department, board or officer, or other person or party bound by law to furnish the same to the Government, any

account, return, statement, document or information which the Board deems requisite for the performance of its duties.

11. The Minister of Finance and Customs shall be the Chairman of the Treasury Board, and the Deputy Minister of Finance shall be, *ex officio*, the Secretary thereof, and through him the Board shall communicate with any public department or officer or other person.

12. A plan of account books and accounts adapted to the requirements of each department or branch of the public service, in order to exhibit in a convenient form the whole of the receipts and payments in respect of each vote, shall be designed under the superintendence of the Treasury Board; and the Governor in Council may, on report from the Treasury Board, prescribe from time to time the manner in which each department of the public service shall keep its accounts.

13. The Treasury Board may direct any officer or person employed in collecting, managing or accounting for any branch of the revenue, to keep any books or accounts which it deems advisable to direct to be kept for the purpose of obtaining and furnishing any statistical information concerning trade or commerce, the public works, or other matters of public interest.

14. The Governor in Council may assign any new or other duty or power to the Minister of Finance and Customs, and may also assign any of the duties or powers hereinbefore enumerated to the Minister of any other department.

CHAPTER 11.

Of the Department of Marine and Fisheries.

SECTION

- 1.—Department constituted; Minister to preside.
- 2.—Appointment of Deputy Minister and other officers.
- 3.—Duties and functions of Department.
- 4.—Department to administer fishery laws.
- 5.—Minister to report to Legislature.
- 6.—Constitution of Fisheries Board.
- 7.—Membership and Quorum of Board.
- 8.—Duties and functions of Board.

SECTION

- 9.—Herring Fishery Board.
- 10.—Governor in Council may make Fishery Regulations.
- 11.—Penalties for breach of regulations; proceedings therefor; distribution of fines.
- 12.—Penalties may be enforced summarily; proceedings for same.
- 13.—Governor in Council may reserve certain waters.
- 14.—Protection of Lobsters.

1. There shall be a Department which shall be called "The Department of Marine and Fisheries," over which the Minister of Marine and Fisheries appointed by the Governor in Council, by Commission under the Great Seal, shall preside; and the Minister shall have the management and direction of the said Department, and shall hold office during pleasure.

2. The Governor in Council may appoint an officer who shall be called "The Deputy Minister of Marine and Fisheries," who shall be the Deputy Head of the Department of Marine and Fisheries; and the Governor in Council may also appoint such other officers as are necessary for the proper conduct of the business of the said Department, all of whom shall hold office during pleasure.

POWERS OF DEPARTMENT.

3. The duties, powers and functions of the Department of Marine and Fisheries shall extend and apply to the following subjects, boards, and other public bodies, officers and other persons, and services and properties of the Crown, of which the said Department shall have the control, regulation, management and supervision, that is to say:—

- (1) Pilots and pilotage and decayed pilot funds.
- (2) Beacons, buoys, lights and light-houses, and their maintenance.
- (3) Signals and signal-stations; steamers and vessels belonging to the Government of the Colony.
- (4) Harbors, ports and harbor-masters; piers and wharves.

- (5) Classification of vessels, and examination and granting certificates of masters and mates and others in the merchant service.
- (6) Shipping masters and shipping officers; care of distressed seamen.
- (7) Ship-building and inspection of steamers and vessels.
- (8) Wreck commissioners, and enquiries into causes of shipwrecks, and generally such matters as refer to the marine and navigation of the Colony and its dependencies.

The Governor in Council may assign any new or other power to the Minister of Marine and Fisheries, and may also assign any of the duties or powers herein enumerated to the Minister of any other department.

4. The Department of Marine and Fisheries shall administer all laws relating to the subject of sea and coast fisheries, and the management, regulation and protection thereof, and all matters and things relating thereto, or assigned by the Governor in Council to the said Department. Shell-fish fisheries shall be subject to the provisions of this Chapter and any regulation made under it.

5. The Minister shall make and submit to the Governor an annual report on all the branches of the Department under his control, to be laid before both Houses of the Legislature within fifteen days from the commencement of each Session, showing the state of each branch and the amount received and expended in respect thereof, with such further information as is requisite.

FISHERIES BOARD.

6. The Governor in Council may appoint a Board to be called "The Fisheries Board," of which the Minister of Marine and Fisheries shall be president

7. The Fisheries Board shall consist of fifteen members, of whom the President, or in his absence, the deputy Head of the Department, and seven members, shall constitute a quorum.

8. The powers, duties and functions of the said Board shall be, to make enquiries and researches upon and in relation to all matters pertaining to the preservation, maintenance, improvement and development of the fisheries, and the trade, commerce and interests of the Colony, so far as the same are connected with or relate to the fisheries and fishery questions; to devise, organize and maintain such methods of collecting,

preserving and diffusing such knowledge and information as they may consider best adapted to the attainment of such objects.

Provided that in this section the word "fisheries" shall not include either the herring fishery or the inland fisheries in and pertaining to the Colony and its Dependencies, and that the words "fishery questions" shall not include questions relating to such herring or inland fisheries.

HERRING FISHERY BOARD.

9. The Governor in Council may appoint a Board to be called "The Herring Fishery Board," of which the Minister of Marine and Fisheries shall be President.

- (2) The Herring Fishery Board shall consist of fifteen members, of whom the President, or in his absence, the Deputy Head of the Department, and five members shall constitute a quorum.
- (3) The powers, duties and functions of the said Board shall be to make enquiries and researches upon and in relation to all matters pertaining to the preservation, maintenance, improvement and development of the herring fishery, and the trade, commerce and interests of the Colony, so far as the same are connected with or relate to the Herring Fishery; and to devise, organize and maintain such methods of collecting, preserving and diffusing such knowledge and information as they may consider best adapted to the attainment of such objects.

REGULATIONS.

10.—The Governor in Council may from time to time make regulations for the better management and regulation of the sea and coast fisheries, to regulate and prevent fishing, to prohibit the destruction of fish, and to forbid fishing except under the authority of licenses; and for the exportation inspecting, culling, classing, weighing, packing, branding or stencilling of all pickled fish, and for the granting of licenses to packers of such pickled fish, for the making of provision for the issue of labels to packers of the same, and may provide that all or any of such rules shall apply to the whole Island, or to parts of the Island, or otherwise howsoever and may provide fees to be paid for any such inspecting, culling, classing, weighing, branding or stencilling, and for the grant of such licenses and the issue of such labels and provide the mode of recovery thereof and direct by what persons and in what cases, the same shall be payable. All such regulations shall have the same force and effect as if

herein enacted, and may fix such modes, times and places as are deemed by the Governor in Council adapted to the different localities and otherwise expedient.

- (1) Such regulations shall take effect from the date therein fixed, and after publication thereof in the *Royal Gazette*;
- (2) Every offence against any regulation made under this Chapter may be stated as a violation of this Chapter.

PENALTIES.

11. Except as herein otherwise provided, every one who violates any provision of this Chapter, or of the regulations under it, shall be liable to a penalty not exceeding one hundred dollars and costs, and in default of payment, to imprisonment for a term not exceeding two months; and any Justice of the Peace may grant a warrant of distress to the amount of such penalty and costs; but whenever it appears to the satisfaction of the Justice of the Peace that the offence was committed in ignorance of the law, or that because of the poverty of the defendant the penalties imposed would be oppressive, a discretionary power may be exercised.

- (1) If any defendant has goods and chattels whereon the costs may be levied, the complainant may distrain for the amount under warrant by any Justice of the Peace, notwithstanding the imprisonment of the person convicted.
- (2) All materials, implements or appliances used, and all fish caught, taken or killed in violation of this Chapter or any regulation under it, shall be confiscated to His Majesty, and may be seized on view by any fishery officer, or taken and removed by any person for delivery to any Justice of the Peace; and the proceeds arising from the disposal thereof may be applied towards defraying expenses under this Chapter.
- (3) A moiety of every penalty levied by virtue of this Chapter shall belong to His Majesty, and the other moiety shall be paid to the prosecutor, not being a fishery officer, together with costs taxed to him in respect thereof, but if a fishery officer is the informer, the whole shall belong to His Majesty.
- (4) His Majesty's share of each penalty and all proceeds derived from the sale of confiscated articles under this Chapter, shall be paid to the Minister of Finance and Customs through the Department of Marine and Fisheries.

12. Every penalty or forfeiture imposed by this Chapter, or regulations made under it, may be recovered or enforced on parol complaint, before any Stipendiary Magistrate or Justice of the Peace in a summary manner.

- (1) Penalties incurred under this Chapter, or the regulations made under it, shall be sued for within two years from the commission of the offence.
- (2) When not otherwise specified, every proprietor, owner, agent, tenant, occupier, partner, or person actually in charge, either as occupant or servant, shall be presumed to be jointly and severally liable for any penalties or moneys recoverable under any of the provisions of this Chapter, or of any regulation made under it.
- (3) No proceeding or conviction under this Chapter or under any regulation made under it, shall be set aside or quashed for irregularity or defect in form, and no warrant of arrest or commitment shall be held void by reason of any defect therein, if it is therein alleged that the defendant has been convicted, and there is a good and valid conviction to sustain the same.

FISH PROPAGATION.

13. The Governor in Council, upon the recommendation of the Minister of Marine and Fisheries, may authorize to be set apart or any river or other water to be leased for the natural or artificial propagation of fish; and every person who wilfully destroys or injures any place set apart or used for the propagation of fish, or who fishes therein without written permission from a fishery officer, or from the holder thereof under lease or license, or uses therein any fishing-light or other implement for fishing, during the period for which such waters are so set apart, shall be liable to a penalty not exceeding two hundred dollars, and in default of payment, to imprisonment for a term not exceeding four months.

- (1) Nothing in this Chapter shall preclude the granting by the Minister of written permission to obtain fish and fish spawn for purposes of stocking or artificial breeding or for scientific purposes.
- (2) Lessees or licensees of fisheries shall have no claim to renewal of leases or licenses if in arrears of rent or percentage during four months after the same is due, and any lessee or

licensee convicted of a violation of this Chapter, or any regulation under it, shall be liable to forfeit his lease or license.

14. It shall be lawful for any person who shall have an appointment in writing signed by the Minister of Marine and Fisheries lawfully authorizing him thereto, at any time by public notice to set apart and reserve with definite boundaries and limitations, for the purpose of the propagation of the fishes that are in such waters, any portion of the waters of this Colony; within which it shall be unlawful for any person to fish for lobsters or other shell-fish which may be named, under a penalty for each offence of one hundred dollars, to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace by any person who shall sue for the same; provided that no such reservation shall in any case extend more than half a mile on each side of the centre of such reservation.

- (1) The notice provided for in this section may be either printed or written and shall be posted in a sufficiently public and conspicuous place in the neighbourhood of the waters which are reserved thereby, and the law or regulation herein made shall take effect in five days from the posting of such notice.

CHAPTER 12.

Of the Department of Agriculture and Mines.

SECTION

- 1.—Department constituted; Minister to preside.
- 2.—Appointment of Deputy Minister and other officers.
- 3.—Duties and powers of Minister.
- 4.—Matters under control of Minister.

SECTION

- 5.—Officers may be directed to perform duties in any other branch of Department.
- 6.—Governor in Council may alter duties of Minister.
- 7.—Minister to make annual report to Legislature.

1. There shall be a Department of the Civil Service of the Colony which shall be called "The Department of Agriculture and Mines," over which the Minister of Agriculture and Mines, for the time being, appointed by the Governor in Council by commission under the Great Seal of the Colony, shall preside; and he shall hold office during pleasure, and shall have the management of the Department of Agriculture and Mines.

2. The Governor in Council may appoint an officer, who shall be called "The Deputy Minister of Agriculture and Mines," and who shall be the Deputy Head of the Department, and such departmental officers, agents, clerks and servants as are requisite for the proper conduct of the business of the Department, all of whom shall hold office during pleasure.

3. The duties and powers of the Minister of Agriculture and Mines shall extend to the execution of the laws relating to the subjects enumerated in the next following section, as well as to the direction of the public bodies, officers and servants employed in execution of such laws and orders.

4. The following subjects shall be under the control and direction of the Minister:—

- (a) Crown Lands.
- (b) Geology and Natural History;
- (c) Mines and Minerals;
- (d) Timber Lands and Lumber and Pulp Mills, and all Manufactories of Timber.
- (e) Inspection and measurement of Lumber.

(f) Agriculture (including experimental farms, and laws relating to bounties for clearing and cultivating land and for settlement) ;

(g) Sheep preservation and diseases of animals and crops.

5. Persons employed in any one branch of the Department may be directed by the Minister to perform any duty in or with respect to any other branch.

6. The Governor in Council may assign any new or other duty or power to the Minister of Agriculture and Mines, and may also assign any of the duties or powers hereinbefore enumerated to the Minister of any other Department.

7. The Minister of Agriculture and Mines shall make and submit to the Governor an annual report of the proceedings of his Department, to be laid before both Houses of the Legislature within fifteen days from the commencement of each annual session.

CHAPTER 13.

Of the Department of Public Works.

SECTION.

- 1.—Interpretation.
- 2.—Department constituted; Minister to preside.
- 3.—Appointment of Deputy, Secretary, &c.
- 4.—Chief Engineer to prepare maps, &c.
- 5.—Secretary to keep accounts, &c.
- 6.—Minister to have management of construction and repair of harbors, &c.
- 7.—Minister may not authorize expenditure not voted.
- 8.—Minister or Deputy may require accounts to be attested.
- 9.—Minister may take evidence on oath.
- 10.—Governor in Council may declare public road, &c., to be not under control of Minister.
- 11.—Local authorities to have control of such public road, &c.
- 12.—Minister may arrange with local authorities for transfer of public roads, etc.
- 13.—Governor in Council may make grant.
- 14.—Grant may be by Order in Council.
- 15.—Scope of provisions, &c., of Order in Council.

SECTION

- 16.—Revocation or amendment of order: consent of grantee presumed.
- 17.—Scope of Order.
- 18.—Enforcement of Order.
- 19.—Repair to be a condition of all transfers.
- 20.—Actions to be instituted in the name of the Attorney General.
- 21.—Governor in Council may require delivery to Secretary of maps, &c., not private property.
- 22.—Copy of map, &c., certified by Secretary* to be *prima facie* evidence.
- 23.—Proclamation, &c., to be published in *Gazette*.
- 24.—Board of Works constituted.
- 25.—Secretary.
- 26.—Salary of members.
- 27.—Powers and duties of Board.
- 28.—Governor in Council may make regulations.
- 29.—Assignment of new duties, &c., by Governor in Council.

1. In this Chapter, unless the context otherwise requires—

- (a) The expression “Minister” means the Minister of Public Works;
- (b) The expression “Department” means the Department of Public Works;
- (1) In case of the absence of the Secretary, or of his inability to act, the Minister may, in writing, authorize some other officer of the Department to act for the time in his stead.

2. There shall be a Department of the Civil Service which shall be called “The Department of Public Works,” over which the Minister of Public Works, appointed by Commission under the Great Seal of the Colony, shall preside; and the Minister shall have the management and direction of the Department, and shall hold office during pleasure.

3. The Governor in Council may appoint an officer, who shall be called “The Deputy Minister of Public Works,” and who shall be the Chief Engineer of the Department, a Secretary for the Department and such other officers as are necessary for the proper conduct of the business of the Department, all of whom shall hold office during pleasure.

4. The Chief Engineer shall prepare maps, plans and estimates for

all public works which are about to be constructed, altered or repaired by or under the management of the Minister; he shall report for the information of the Minister on any question relating to any public work which is submitted to him; he shall examine and revise the plans, estimates and recommendations of other engineers, architects and officers in respect to any such public work; and generally he shall advise the Minister on all engineering or architectural questions affecting any such work.

5. The Secretary of the Department shall, unless otherwise directed in any case by the Minister, keep separate accounts of the moneys appropriated for and expended on each public work; he shall submit such accounts to be audited in such manner as is or may be appointed by law, or by the Governor in Council; he shall have charge of all plans, contracts, estimates, documents, titles, models, and other like things relating to any such work; he shall keep proper accounts with each contractor or other person employed by or under the Department; he shall see that all contracts are properly drawn out and executed; he shall prepare all certificates upon which any certificate for the payment of money is to issue; he shall keep minutes of all the proceedings of the Department; he shall prepare reports and conduct, under the direction of the Minister, the correspondence of the Department; and generally he shall do and perform all such acts and things pertaining to the business of the Department as he is from time to time directed to do and perform by the Minister.

6. The Minister shall have the management, charge and direction of the construction and repair of harbors, piers and works for improving the navigation of any water, the roads and bridges, the public buildings, the vessels, dredges, scows, tools, implements and machinery for the improvement of navigation, and all other property which now belongs to the Colony and which is not specifically assigned to any other Department; and also the works and properties acquired, constructed, extended, enlarged, repaired, or improved at the expense of the Colony, or for the acquisition, construction, repairing, extending, enlarging or improving of which any public money is voted and appropriated by the Legislature (except works for which money has been appropriated as a subsidy only), and every work required for any such purpose, with the exceptions following, that is to say:

- (a) Such public works as have been or are hereafter leased, sold, or otherwise lawfully transferred to municipalities, incorporated companies, or others, unless the same are subject to be and are resumed by His Majesty in virtue of the provisions of any Act, or of any lease, sale, or transfer thereof, or relating thereto;

- (b) Such public works as have been or are hereafter by proclamation abandoned or left to the control of municipal or local authorities.

Except where otherwise provided, the Minister shall have the care, control, management and direction of the public buildings and institutions of the Colony, and of the officers, keepers, servants and inmates thereof, and of the heating, maintenance and repair thereof, and of any alterations from time to time requisite therein and the supplying of furniture and fittings thereto.

7. Nothing in this Chapter shall authorize the Minister to cause expenditure not previously sanctioned by the Legislature, except for such repairs and alterations as the necessities of the public service demand.

8. The Minister, or Deputy Minister, may require any account sent in by any contractor, or by any person in the employ of the Department, to be attested on oath, which oath, as well as that to be taken by any witness, may be administered by the Minister or by the Deputy Minister.

9. The Minister may send for and examine on oath all such persons as he deems necessary respecting any matter upon which his action is required, and may cause such persons to bring with them such papers, plans, books, documents and things as it is necessary to examine with reference to such matter, and may pay such persons a reasonable compensation for their time and disbursements. Such persons shall comply with the summons of the Minister after due notice; and every person so summoned who neglects or refuses to attend and be examined shall incur a penalty of twenty dollars.

10. The Governor in Council may, by proclamation, declare any public road or bridge, under the management or control of the Minister, to be no longer under his management and control; and upon, from and after a day to be named in the proclamation such road or bridge shall cease to be under the management or control of the Minister.

11. Every public road or bridge, declared, as aforesaid, to be no longer under the management and control of the Minister, shall be under the control of, and shall be maintained and kept in repair, by the municipal or other authorities of the locality and the road officers thereof, in like manner as other public roads and bridges under their control.

12. The Minister may enter into arrangements with any municipal or other local corporation or authority, for the transfer to them of any of the public roads, harbours, rivers, or river improvements, bridges, or public buildings, whether within or without the limits of the local jurisdiction of such municipal or other authorities, which it is found convenient to place under their management.

13. On the completion of such arrangements the Governor in Council may grant and by so granting transfer and convey forever or for any term of years, all or any of such roads, harbors, rivers and river improvements, bridges or public buildings, to such municipal or other local authority or company (hereinafter called the grantee) upon such terms and conditions as are agreed upon; and the said municipal or local authorities may enter into such arrangements and may take and hold such works so transferred.

14. Any such grant may be made by Order in Council, and by such order any or all of the powers and rights vested in the Crown, or in any officer or department, in respect of such public work, may be granted to and vested in the grantee to whom the public work is granted.

15. Such Order in Council may contain any condition, clauses and limitations agreed upon, which, as well as all the provisions of such Order in Council, shall, in so far as they are not inconsistent with this Chapter and do not purport to grant any right or power not immediately before the making of such Order in Council vested in the Crown or in the Governor in Council, or in some officer or department of the Government, have force and shall be obeyed as if they were contained in this Chapter, and had formed part thereof.

16. Any such Order in Council may, with the consent of the grantee, be revoked or amended by any subsequent Order in Council, and the consent of the grantee thereto shall be presumed unless disputed by such grantee, and if disputed may be proved by any copy of such Order in Council, on which the consent of the grantee thereto is written and attested by such signature or seal, or both, as would be sufficient to make any deed or agreement the deed or agreement of such grantee.

17. The provisions and conditions of any Order in Council, made under this Chapter, may extend to the mode of adjusting and determining any difference arising between the Crown and any municipal or local authority or company, as to their respective rights under the same, or to the reservation of the right of re-entry by the Crown into possession of any

public work on the default of such corporation, authority or company to perform the conditions agreed upon, and to the vesting in any sheriff of power to give possession of such public work to any public officer of the Crown, or any warrant under the hand and seal of the Governor, addressed to such sheriff, reciting such default; and commanding him to give possession to such officer for the Crown as aforesaid.

18. No enactment made for the purpose of enforcing the provisions of any such Order in Council shall be deemed an infringement of the rights of the municipal or local authority or company to which it relates, and nothing in the next preceding section shall prevent the enforcement of the rights of the Crown in any lawful manner not inconsistent with the provisions and conditions of any such Order in Council.

19. One of the conditions of every such lease or transfer of any bridge, road, or public work, shall be that such work shall be kept in thorough repair, and that, for all the purposes of such contract, sale or lease, the sufficiency of such repair shall be ascertained and decided upon by such engineer as the Minister appoints to examine the same.

20. All actions, suits and other proceedings for the enforcement of any contract, agreement, or obligation in respect of any public work, may be instituted in the name of the Attorney General.

21. The Governor in Council may from time to time require any person, or any municipal or other authority, having the possession or custody of any maps, plans, specifications, estimates, reports, or other papers, books, drawings, instruments, models, contracts, documents or records, which are not private property, and which relate to any public work, to deliver the same forthwith to the Secretary of the Department.

22. A copy of any map, plan or other document in the custody of the Secretary of the Department, certified by him to be a true copy, shall be held to be authentic and shall be *prima facie* of the same legal effect as the original in any Court or elsewhere.

23. All proclamations, regulations, or Orders in Council, made under this Chapter, shall be published in the *Royal Gazette*.

24. There shall be a Board, to be called "The Board of Works," which shall be composed of the Minister of Public Works, who shall be *ex officio* chairman thereof, and four other members, to be appointed by the Governor in Council, to hold office during pleasure; any three of the above shall be a quorum.

25. The Secretary of the Department of Public Works shall be the Secretary of the Board.

26. Each member of the Board shall be paid the yearly salary of one hundred and fifty dollars.

27. The powers and duties of the Board shall be from time to time to confer with and advise the Minister of Public Works upon all matters of or over which the Department of Public Works has control or cognizance.

28. The Governor in Council may, from time to time, make such regulations as he deems necessary for the management, maintenance, proper use and protection of all or any of the public works.

29. The Governor in Council may assign any new or other duty or power to the Minister of Public Works, and may also assign any of the duties or powers hereinbefore enumerated to the Minister of any other department.

CHAPTER 14.

Of the Contingent Charges of Departments.

ION

Short title.
Contingencies.
Requisition for contingencies by Deputy.
Accounts to be accompanied by requisition
Certificate for payment, &c.
Accountant may withhold payment and
submit account to Auditor General.
Deputy to submit monthly account of
expenditures.

SECTION

8.—Accountant to submit monthly statement
of amounts, paid in advance to Auditor
General.
9.—Accountant to render monthly statement
of amounts paid with vouchers.
10.—Estimate for contingencies of each depart-
ment to be submitted to Legislature sep-
arately.
11.—Account to be laid before Legislature
12.—Application of Chapter.

1. This Chapter may be cited as "The Contingencies Act, 1898."

2. The contingencies of each department of the Civil Service mean
and include only—

- (a) Subscriptions to and advertising in newspapers;
- (b) The purchasing of maps and stationery;
- (c) Printing and gazetting;
- (d) Telegraphing, including public messages and telephones;
- (e) Postages, freight and express charges;
- (f) Registrations of births, marriages and deaths;
- (g) Wages of charwomen, and other expenses of cleaning offices;
- (h) Travelling expenses, including cab-hire;
- (i) Standard weights and measures;
- (j) Petty expenses, not exceeding in any department a sum appor-
tioned by Order in Council.

3. Whenever any contingency is required by any department, wheth-
er for an article to be furnished or service to be performed, the Deputy
Head of the Department shall apply therefor by requisition, in writing, to
the person by whom the same is to be furnished or performed; and such
requisition shall, wherever it can be so made, be antecedent to the delivery
of the article or performance of the service.

4. Every account rendered to the Deputy Head of a department be certified shall be accompanied by the original requisition, in respect of which such account accrued, and, when certified by him, shall be forwarded for payment to an officer of the Department of Finance, who shall be called the Accountant of Contingencies, and, except as hereinafter mentioned, shall then be paid by him.

5. Every such certificate shall expressly state that each item contained in the account has been incurred by the authority, or upon the order of the Head or Deputy Head of the Department, and that the articles or services charged for have been received or performed, and that the prices charged are in his opinion severally fair and just, and that the expenditure incurred is necessary for the public service; but the Accountant of Contingencies shall nevertheless investigate the account and ascertain the correct price before paying the same; and the Treasury Board shall from time to time prescribe the mode of investigating accounts and the standard by which the correct price shall be ascertained by the Accountant of Contingencies before such payment.

6. If it appears to the Accountant of Contingencies that any account is for a purpose not included under the above definition of contingencies, or that it is in excess of the amount for which authority has been given, or that the amount or any part thereof has been previously paid, or that there is any other irregularity therein, he shall withhold payment and submit the account to the Auditor General; and if the Auditor General, after conference with the Deputy Head of the Department signing the requisition, is of opinion that there is any irregularity in the same, he shall submit it to the Treasury Board before payment.

7. The Deputy Head of each Department shall submit to the Auditor General thereof, monthly, an account in detail of the expenditure for contingencies during the month.

8. The Accountant of Contingencies shall submit monthly, through the Auditor General, to the Treasury Board, a statement of all sums which have been paid in advance, and to be accounted for, and which remain unaccounted for at the end of the last preceding month.

9. The Accountant of Contingencies shall render to the Auditor General, monthly, a statement in detail, accompanied by vouchers, of all sums paid by him during the month, and of all moneys received, with a bank certificate of the balance at his credit at the end of the month.

10. The estimates for contingencies of each department shall be prepared and submitted to the Legislature separately, but may be voted in a certain sum, and in that case, and so soon as conveniently may be after the same have been voted by the Legislature, the Governor in Council shall appropriate a certain sum for defraying the contingencies of each department, reserving a certain amount for general expenses, not specially applicable to any individual department to be expended, upon requisition and certificate of the Secretary of the Treasury Board, in such manner as is heretofore provided in respect to the contingencies of any department.

11. An account shall be laid before the Legislature each year, showing the amount expended under the several heads of service specified in the second section of this Chapter.

12. This Chapter shall apply as well to the outside service of the several departments as to the departments of the Civil Service at St. John's.

CHAPTER 15.

Of the Salaries of Certain Officers.

SECTION

1.—Salaries of Governor, Judges, Ministers, Sheriff, Postmaster General and District Court Judges.

SECTION

2.—Salaries to be paid monthly.
3.—Salaries to be in full payment, etc.

1. The following yearly salaries and allowances shall be paid to undermentioned officers:—

The Governor of the Colony, Twelve thousand five hundred dollars.

The Chief Justice of the Supreme Court, Five thousand dollars.

Each of the other judges of the said Court, Four thousand dollars.

The Colonial Secretary, Two thousand dollars.

The Minister of Justice Two thousand dollars.

The Minister of Finance and Customs, Two thousand dollars.

The Minister of Agriculture and Mines, Two thousand dollars.

The Minister of Marine and Fisheries, Two thousand dollars.

The Minister of Public Works, Two thousand dollars.

The Sheriff, One thousand five hundred dollars.

The Postmaster General, Two thousand dollars.

The Judge of the Central District Court, Two thousand four hundred dollars.

The Judge of the Harbor Grace District Court, One thousand five hundred dollars.

2. The said salaries and all other salaries and wages authorized by the Act of the Legislature shall be paid monthly.

3. The salaries of the said officers, except that of the Colonial Secretary, shall be in full payment of the services of the said officers and in lieu of all fees of office and perquisites whatsoever, except when otherwise provided by Statute: Provided that all fees by law recoverable in the said respective offices, except in that of the Colonial Secretary, shall be paid to the Minister of Finance and Customs for the use of the Colony. The Colonial Secretary shall not be entitled to any fee on the issue of Crown grants of land.

CHAPTER 16.

Of Secrecy in the Public Service.

SECTION

1.—Persons in Public Service may be required to take Oath of Secrecy.

SECTION

2.—Penalty for offences.

1. Every person who is employed in the public service of the Colony as a clerk, typewriter or stenographer, or in any other capacity in which he has opportunities of becoming acquainted with information connected with matters of state or other information, shall, if required by the head of the department in which he is to be or is employed, before or after entering upon his duties, take and subscribe before a Justice of the Peace a declaration in the form of the Schedule hereto.

2. Every person who has made a declaration hereinbefore mentioned, and who either directly or indirectly wilfully divulges to any person, except when lawfully authorized or directed so to do, any information which he acquires by virtue of his employment, is guilty of an offence against this Chapter, and shall be liable to a penalty not exceeding one hundred dollars, to be recovered in a summary manner before a Justice of the Peace, and, in default of payment, to imprisonment for a term not exceeding six months.

SCHEDULE.

I, A. B., solemnly promise and declare that I will faithfully and honestly perform the duties which may be imposed upon me as, and that I will not, either directly or indirectly, divulge to any person, except when lawfully authorized and directed so to do, any information which I may acquire by virtue of my employment as
Declared before me, at St. John's,

this day of, 19 . . .

A. B., J.P.

CHAPTER 17

Of the Constabulary and Special Constables.

SECTION

- 1.—Governor in Council may organize Constabulary Force.
- 2.—Title of Force.
- 3.—Governor in Council to make regulations, &c.
- 4.—Headquarters.

SECTION

- 5.—Chief Officers.
- 6.—Regulations to be published in *Royal Gazette*.
- 7.—Special Constables.
- 8.—Expenditure subject to annual revision by Legislature.

1. The Governor in Council may organize and maintain an efficient constabulary force in this Colony, for the preservation of the peace and the protection of life and property.

2. The force shall be designated "The Constabulary Force of Newfoundland."

3. The Governor in Council may prescribe the number of men of which such force shall be composed, and make all proper and necessary orders, rules and regulations for the appointment, governing, regulating, arming, clothing, equipping, lodging and paying of the officers and men of the said constabulary force, and for regulating the residence, classification, rank, service, instruction and distribution of the said force, and for its government generally.

4. The headquarters of the said force shall be at St. John's, and all constabulary appointments in the Colony shall be made from said headquarters.

5. There shall be an Inspector and General Superintendent of the Constabulary Force of Newfoundland, who shall have control over and charge of the whole constabulary force of the Colony, subject to the orders and directions of the Governor in Council.

6. The rules and regulations made in pursuance of the provisions of this Chapter shall be published in the *Royal Gazette* of this Island, and, after such publication, shall have the same force and effect as if they were specially enacted by this Chapter.

7. The expenditure for the maintenance of the said force shall be subject to the annual revision and vote of the Legislature.

8. Whenever it shall be found that the ordinary constabulary force is insufficient to maintain the public peace of any locality, any Stipendiary Magistrate, or, in his absence, a Justice of the Peace, may call on and appoint such number of persons as may be deemed necessary to act as special constables in such locality; and every Stipendiary Magistrate or Justice of the Peace may administer to every person so appointed the following oath:

I, A. B., do solemnly swear that I will well and truly serve our Sovereign Lord the King in the office of special constable for the district of C., without favor or affection, malice or ill-will; and that I will, to the best of my power cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that I will discharge the duties of my said office faithfully according to law. So help me God.

And if any person, being so called on or appointed a special constable as aforesaid, shall refuse to take said oath when required by the Stipendiary Magistrate or Justice of the Peace so appointing him, he shall be liable to be convicted thereof forthwith before the Stipendiary Magistrate or Justice of the Peace so requiring him, and to forfeit and pay such sum of money, not exceeding twenty dollars, as to the said Magistrate or Justice of the Peace may seem meet, or to be imprisoned for a period not exceeding two calendar months: Provided that whenever it shall be deemed necessary to nominate and appoint such special constables, notice of such nomination and appointment, and of the circumstances which rendered such nomination and appointment necessary, shall be transmitted by the Stipendiary Magistrate or Justice of the Peace making such appointment to His Excellency the Governor in Council.

CHAPTER 18.

Of the Game and Inland Fisheries Board.

SECTION

- 1.—Constitution of Board.
- 2.—Powers of Board.
- 3.—Regulations by Board.
- 4.—The officers of the Board.
- 5.—Quorum.
- 6.—Duties of the Secretary.
- 7.—Licenses to be issued by the Board.
- 8.—Audit of Accounts.
- 9.—Moneys to be paid to credit of Board.

SECTION

- 10.—Appointment of wardens, etc.
- 11.—Duties of wardens and licensed guides.
- 12.—Dismissal of officers and servants.
- 13.—Respecting penalties and forfeitures.
- 14.—Limitation of actions.
- 15.—No proceeding to be set aside for informality.
- 16.—Appeal.

1. The Governor in Council shall appoint a Board to be called "The Game and Inland Fisheries Board," which shall consist of not more than twenty members, of which Board the Minister of Marine and Fisheries shall be the President.

2. The powers, duties and functions of such Board shall be to make inquiries and researches and to take all necessary action in relation to (1) the adequate preservation, protection and propagation of game birds in this Colony and its dependencies; (2) the preservation and protection of deer, moose and other animals, *ferae naturae*, game or fur-bearing; (3) the protection and improvement of the inland fisheries in and pertaining to this Colony and its dependencies; and to devise, organize and maintain methods of diffusing knowledge and information in respect of the matters aforesaid.

3. Subject to the approval of the Governor in Council, the Board may, from time to time, make regulations for the better management of the sea coast and inland fisheries, for preventing or remedying the obstruction and pollution of the streams and inland waters, for the limitation or prevention of fishing in certain inland and estuary waters, for the prevention of the destruction of fish, for the issue of licenses to fish to persons not domiciled in this Colony or its dependencies, and the imposition of fees in respect of such licenses; for the preservation, protection and propagation of game birds in this Colony and its dependencies, and also for the preservation and protection of deer, moose and other animals, *ferae naturae*, game or fur bearing, and to fix and prescribe penalties for the breach of any such regulations.

- (1) No such penalty shall exceed the sum of one thousand dollars (\$1,000.00) for any one breach, or, in default of payment.

imprisonment for any term not exceeding six months

- (2) All such regulations, approved as aforesaid, shall have the same force and effect as if herein enacted and may fix such modes, times and places as are deemed adapted to the different localities and are otherwise expedient.
- (3) Such regulations shall be in force and take effect from the date therein nominated and after publication thereof in the *Royal Gazette*.
- (4) Every offence against any regulation made under this Chapter may be stated as a violation of this Chapter, and shall be triable in a summary manner before any Justice of the Peace.

4. The Board shall have power to elect annually a Vice-president, who, in the absence of the President, shall take the chair at meetings of the Board, and also two Assistant Vice-presidents, who shall, in order of their seniority, preside at meetings of the Board at which neither the President nor the Vice-president shall be in attendance. Such officers shall hold office until the next annual meeting of the Board, when their successors shall be elected. The said officers shall be eligible for re-election at the annual meetings. The services of such officers and of the members of the Board shall be honorary, and no fees, emoluments or exemptions shall attach thereto.

5. In all meetings of the Board five members, exclusive of the presiding officer, shall constitute a quorum.

6. It shall be the duty of the Board to appoint a Secretary (not being a member of the Board) whose salary shall be fixed by the Board. The duties of such Secretary shall be to do and perform all such matters and things as usually pertain to the office of Secretary, a portion of which shall be the keeping of a correct record of all the meetings and proceedings of the Board, the preservation of all correspondence addressed to the Board or to himself as such Secretary, and the answering of such correspondence subject to the direction or supervision of the Board. He shall also undertake all such necessary travellings and journeys within the Island and its Dependencies, as he may from time to time be directed by the Board to undertake, and make and prosecute such inquiries as may be required in manner as the same shall be ordered, and shall take action as the Board shall deem necessary in respect of the same, and shall make immediate reports to the Board as to the manner in which he shall have performed

the duties required of him. The costs of such journeyings and all necessary collateral expenditure shall be submitted to the Board and shall be paid upon vouchers and approval.

7. All licenses in respect of the killing of game and the taking of fish within this Island and its dependencies shall be issued by the said Board and shall be signed by the President and countersigned by the Secretary.

8. The accounts of the Board shall be kept in the Department of Marine and Fisheries and shall be subject to audit of the Comptroller and Auditor General.

9. All moneys received in respect of licenses for the killing of game and for the taking of fish, and all money votes, subsidies or subventions of the Legislature, granted for the purposes of the Board, shall be paid into a Bank in St. John's to the credit of the Board.

- (1) All payments and expenditures of the said moneys when authorized by the Board, or a majority present at any duly constituted meeting of the same, shall be made by cheque, which cheque shall be signed by the President, or in his absence, by the Vice-President, and countersigned by the Secretary.
- (2) Out of the funds so provided, the Board shall pay all wardens and other officials and servants of the Board such salaries as the Board may consider proper and adequate
- (3) The expenditure of the fund under control of the Board shall be administered with all reasonable economy, and the unexpended balance (if any) in the hands of the Board at the end of each year shall be disposed of as the Governor in Council may direct.

10. The Board shall have power to appoint all wardens, inspectors of wardens and other officers or servants necessary to the carrying out of its functions and duties, and shall have the sole authority to grant or to refuse licenses to guides.

11. The Board shall have power to define the duties of wardens, inspectors and other officers and servants of the Board, and may make general regulations as to their conduct and employment. The Board may also define the duties and obligations of licensed guides and may by such

regulations prohibit the employment, by holders of licenses for the killing of game or the taking of fish, of unauthorized persons as guides, under the penalties imposed by this Chapter.

12. The Board shall have power in the exercise of its discretion to dismiss any warden, inspector or other officer or servant of the Board, and to revoke and cancel any license to guides. Such dismissal and revocation and cancellation shall be deemed to be fully warranted by proof which shall satisfy the Board that such warden, inspector, officer, servant or guide has been guilty of any breach of duty or of misconduct, collusion or negligence in his office or service or in matters collateral therewith.

13. Every person convicted of a violation of this Chapter for which no penalty is specially provided shall be liable to a penalty not exceeding one hundred dollars (\$100.00) and, in default of payment, to imprisonment not exceeding two months. Every person convicted of a violation of any of the regulations made under this Chapter, and duly approved and promulgated, shall be liable to the penalty fixed and prescribed in the regulation for such violation. Any Justice of the Peace may grant a warrant of distress to the amount of any of the penalties in this section mentioned, and costs.

- (1) If any defendant has goods and chattels whereon the costs may be levied, the complainant may distrain for the amount by warrant under the hand and seal of any Justice of the Peace, notwithstanding the imprisonment of the person convicted.
- (2) All materials, implements, or appliances used, and all fish, or game, or animals, game or fur-bearing, taken or killed in violation of this Chapter or any such regulations as aforesaid, shall be confiscated to His Majesty, and may be seized on view by any warden, inspector or other officer or servant of the Board, or by any licensed guide, or taken and removed by any person for delivery to any Justice of the Peace, and the proceeds arising from the disposal thereof may be applied, at the discretion of the Board, towards defraying any expenses incurred under this Chapter.
- (3) A moiety of every money penalty levied by virtue of this Chapter, shall belong to His Majesty for the use of the Board, and the other moiety shall be paid to the prosecutor together with costs taxed to him in respect thereof.
- (4) His Majesty's share of each penalty and all proceeds derived from the sale of confiscated goods shall be paid to the Board.

14. Penalties incurred under this Chapter or the regulations made under it, shall be sued for within two years from the commission of the offence.

15. No proceeding under this Chapter or the regulations made under it, shall be set aside or quashed for want or defect of form or for irregularity, and no warrant of arrest or commitment shall be held void by reason of any defect therein, if it is therein stated that the defendant has been convicted, and that there is good and valid conviction to sustain the same.

16. If any person convicted under this Chapter shall feel himself aggrieved by such conviction, he may appeal therefrom to the then next sitting of His Majesty's Supreme Court, holden in or nearest the place where such conviction shall have been had, or in St. John's; provided notice of such appeal and of the cause and matter thereof be given to the convicting Magistrate or Justice in writing, within seven days next after such conviction: and that the party desiring to appeal shall also, within fourteen days after such notice, give and enter into recognizance with two approved sureties before the convicting Magistrate or Justice conditioned for the appearance of the person convicted at such next sitting of the Supreme Court, on the first day of the sitting, for the prosecution of the appeal with effect and without delay, to abide the judgment of the Court thereon.

CHAPTER 19.

Of the Registration of Births, Marriages and Deaths.

SECTION

- 1.—All births, marriages and deaths to be registered.
- 2.—Registrar General in St. John's.
- 3.—Clergymen to keep Registers.
- 4.—Notice of all births, &c., to be given to Registering Officers.
- 5.—All clergymen in charge of Missions, &c., to be Registering Officers.
- 6.—Quarterly returns to be sent to Registrar General.
- 7.—Substitution for Registering Officers absent or in default.
- 8.—Registrar General to keep full alphabetical register.
- 9.—Information of births.
- 10.—Certificate of Registry of birth.
- 11.—Illegitimate children.

SECTION

- 12.—Information of deaths.
- 13.—Certificate of death by medical attendant &c.
- 14.—Sextons, &c. not to bury without certificate of death.
- 15.—Officials in charge of public institutions to report all births, marriages and deaths.
- 16.—Duties of Registrar General; notice.
- 17.—Fees for extracts from registers.
- 18.—Penalty for false statement.
- 19.—Penalty for publication in newspapers of false statement.
- 20.—Penalty on proprietor, &c., of newspaper.
- 21.—Recovery of penalties.
- 22.—Reference to registers; fees.
- 23.—Certificates from Registry.

1. All births, marriages and deaths that take place within this Colony shall be registered in a public register to be kept in the town of St. John's, and information as to such births, marriages and deaths shall be furnished and obtained as hereinafter provided, and such register shall be kept in a place of safety, to be approved of by the Governor in Council.

2. There shall be a chief officer appointed to carry out the provisions of this Chapter, to be called the Registrar General, who shall have charge of the public registry in St. John's.

3. Every Clergyman and other person baptizing or celebrating marriage or performing funeral services in this Colony, shall keep a true and accurate register of all persons whom he has baptized, married or buried; such register of baptism to state the day of the birth of the person baptized; and he shall transmit, quarterly, a correct copy of the same to the Registrar General.

4. Notice of all births, marriages and deaths that take place in this Colony shall be given within such times as are hereafter provided to one of the registering officers appointed under this Chapter.

5. All clergymen and other persons legally licensed to baptize, celebrate marriage, or perform funeral services in this Colony shall be "Registering Officers," and the limits of their duties under this Chapter shall be

the same as those assigned them by ecclesiastical authority: Provided that registering officers residing in the city of St. John's shall forward, monthly, to the Registrar General, a true copy of the registers kept by them as aforesaid.

6. The registering officers under this Chapter shall forward, quarterly, to the Registrar General, a true copy of the registers kept by them of all births, marriages and deaths, of which they have received notice as aforesaid from the date of their last report to the Registrar General; such report shall be accompanied with a remittance of one-half of all fines imposed under this Chapter collected by them, and such reports shall specify such other information respecting the births, marriages and deaths aforesaid as is required by this Chapter.

7. When, in any place, there shall not have been a registering officer empowered by Section 5 of this Chapter, for a period of four months, or when the registering officer shall have failed to comply with the provisions of Section 6 of this Chapter for a period of four months, the Governor in Council may appoint a fit and proper person to perform the duties of registering officer, and such person shall have for the purpose of the registers required to be kept by this Chapter or by Chapter 121 of these Consolidated Statutes, entitled "Of the Solemnization of Marriages," the same rights of access, inspection and custody as might have been exercised by the registering officer by whom the same may have been kept.

8. The Registrar General shall collect and keep a full and correct alphabetical registry of all births, marriages and deaths that take place within the Colony; shall file and keep copies of the registers received by him, and shall furnish to the Legislature an annual report of all matters and things relating to the affairs of his office, together with an account of the fees and fines collected under this Chapter.

9. When any birth takes place in this Colony information of the same shall be furnished or posted within forty-eight hours thereafter to the proper officer appointed under this Chapter to receive the same, under a fine not exceeding ten dollars for every neglect to do so. The obligation to furnish this information shall rest, in the first instance, upon the father of the child; or, in case of his death or absence, upon the mother; or, in case of the inability of both parents, then successively upon any person standing in their place, the nurse in attendance, or the occupier of the house within which the birth occurs.

10. Either of the parents, or the guardian, or other person who may have procured the registry of the birth of a child, shall be entitled to

receive from the registering officer a certificate of such registry upon payment of a fee of fifty cents.

11. In the case of the birth of an illegitimate child, it shall not be lawful to register any person as the father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father; but such birth shall be registered in accordance with the provisions of section 9 hereof, so far as the same shall apply.

12. When any death takes place in this Colony information of the same shall be furnished or posted within forty-eight hours thereafter to the proper officer appointed under this Chapter to receive the same, in the form in Schedule A, under a fine not exceeding ten dollars for every neglect to do so. The obligation to furnish this information shall rest, in the first instance, on the medical attendant, secondly, on the undertaker, and, failing these, on the next of kin to the deceased person.

(2) In any case in which a death shall have occurred from accident, or under any circumstances which render enquiry into the cause of death desirable or necessary, the Court or person before or by whom such enquiry shall have been had, shall furnish to the registering officer of the place in which the deceased person is to be interred, a certificate stating the cause of death, as the same appeared at the enquiry.

(3) In case of a person dying in hospital under circumstances which do not render an enquiry necessary, the resident physician or chief officer in charge of such hospital shall cause a certificate to be furnished as in the last preceding sub-section provided.

13. On receiving information of such death, the registering officer under this Chapter may fill up and cause to be signed by the medical attendant or undertaker, or, failing these, by some other credible person who witnessed the death, or identified the body after death, a written statement setting forth the date and place of death, the name, age and sex of the deceased, and the cause of death, as nearly as can be ascertained, and shall, if requested, issue to the person entitled to receive the same a certificate setting forth the facts thus subscribed to, as furnished to him, for which certificate a fee of fifty cents shall be charged.

14. No sexton or other person having charge of a cemetery or burial place, shall permit the burial of any person in such cemetery, or burial place without first having received a certificate signed by a medical

attendant, a clergyman, or two reliable persons cognizant of the facts, certifying to the death of the person for whom burial is required, and setting forth so far as is known the cause of death; and all such certificates shall be forwarded monthly to the registering officers concerned.

15. Officials in charge of hospitals, poor asylums, orphanages, gaols, and other such public institutions, shall send notice of any birth, marriage or death that occurs within the institutions under their charge within ten days thereafter, and, in default of doing so, such official shall be liable to a penalty of fifty dollars in each case.

16. The Registrar General, or other registering officer, shall use every available means to obtain a full and accurate account of all births, marriages and deaths that take place in the Colony, and shall furnish a notice in the form of Schedule B. in all cases where he has reason to believe that the necessary information has not been supplied to him.

17. All registering officers who shall forward to the Registrar General extracts from the registers kept by them of births, marriages and deaths occurring in their locality, shall be entitled to be paid for such notice at the rate of ten dollars per hundred events registered.

18. Every person who shall make, or cause to be made, for the purpose of being inserted in any register of births, marriages or deaths any false statement touching any of the particulars herein required to be known and registered, or who shall alter or deface any return or register, shall be subject to the same pains and penalties as if such person were guilty of wilful and corrupt perjury.

19. Every person who shall send to any newspaper publisher or other person, for publication in any newspaper in this Colony, a fictitious or false statement of the marriage or death of any person, or the birth of of any child, shall be guilty of a misdemeanor, and shall be liable to fine or imprisonment or both, at the discretion of the Supreme Court.

20. Every proprietor, editor or publisher of any newspaper published in this Colony, who shall knowingly and wilfully publish a fictitious or false statement of the marriage or death of any person, or of the birth of any child, shall be guilty of a misdemeanor, and shall be liable to fine or imprisonment, or both, at the discretion of the Supreme Court.

21. All fines imposed under this Chapter, unless herein otherwise provided, shall be recovered in a summary manner before any Stipendiary

Magistrate in the name of the Registrar General; one-half of such fine shall be retained by the registering officer prosecuting, and the remainder shall be paid to the Registrar General, and shall be paid over by him to the Minister of Finance and Customs for the use of the Colony.

22. Reference may be had to the registers by any person, during office hours, by paying a fee of ten cents, under such regulations as the Registrar General shall appoint; and a certified extract from any registry may be obtained from him on application by paying a fee of fifty cents in each case: Provided that all clergymen, doctors, solicitors, members of the Legislature and public officers shall have free access to the registers during office hours free of charge.

23. Certificates of births marriages and deaths shall be exact copies of the registers, and shall be signed and certified by the registering officers.

24. This Chapter may be cited for all purposes as "The Registration Act 1892-99."

SCHEDULE A.

COLONY OF NEWFOUNDLAND.

No.....

Electoral District of,

(a)19...

Notice is hereby given that the death took place at (b), on the (c) day of, 19..., of (d), agedyears, [*married or single*] as far as could be ascertained.

(e)

(f)

Witness,—

- (a) Name of place, day of month and year.
- (b) Name of place where death occurred.
- (c) Day of month and year when death occurred.
- (d) Name in full of deceased person.
- (e) Name of person giving this notice.
- (f) Address of person giving this notice.

SCHEDULE B.
COLONY OF NEWFOUNDLAND.

No.....

Electoral District of,

(a)19...

Sir (or Madam),—

Hearing that a birth [*marriage or death*] has recently occurred in your house [*or family*], it is my duty to call your attention to the provisions of the Registration Act, 1892-99. An extract is hereto appended, in order that you may be prepared to conform to the requirements of the Act, and avoid the penalties for any breach of the same.

To (b),.....

.....

Registrar.

(a) Name of place, day of month and year.

(b) Name and address of person to whom notice is sent.

CHAPTER 20.

Of the Census.

SECTION

- 1.—Governor to sub-divide districts and appoint persons to take census.
- 2.—Duties of persons appointed.
- 3.—Magistrate in each district to revise returns.
- 4.—Copy of schedule to be furnished to senior resident clergyman of each denomination.

SECTION

- 5.—Certified returns to be filed in Colonial Secretary's Office.
- 6.—Penalty for false returns.
- 7.—When census to be taken.
- 8.—Expenses to be paid by warrant.

1. For the purposes of this Chapter the Governor in Council shall subdivide this Colony and its Dependencies into as many divisions as may be deemed expedient, and appoint persons to take the census and other statistical information by this Chapter required within the said divisions; and every person so appointed shall discharge the duties required of him in such division to which he shall be appointed, as may be prescribed by the Governor in Council, and shall, before entering on the duties of his office, be sworn before one of His Majesty's Justices to the faithful discharge of the same, and shall, while engaged therein, conform in all respects to all orders and directions of the Governor in Council made in conformity with the provisions of this Chapter.

2. Every person appointed shall make a return, with respect to the division or place to which he may have been appointed, of the information particularized in the schedule to and by this Chapter, and such return shall be compiled within such periods as are hereinafter provided; and for the purpose of such compilation and return, every person so appointed shall, within his division, visit every house and enter in and upon any lands, tenements, or otherwise as he shall judge expedient for the execution of this Chapter, and ask questions of the persons within the division for which he may be appointed, respecting themselves, the number and the quality of the persons constituting their respective families, and all other matters required to be stated concerning them in the said answers and return; and every adult person refusing to answer any such questions, shall for such refusal or for making a false answer forfeit a sum not exceeding eight dollars, to be recovered with costs in a summary manner before any one of His Majesty's Justices within the district in which the offence shall be committed; and in default of payment, such Justice shall commit the offender to gaol for any period not exceeding two days.

3. The Governor in Council may appoint one or more Stipendiary or honorary Magistrates in each of the several divisions aforesaid to examine and review the returns of the persons so to be appointed; and in any portion of this Colony or its Dependencies, where there is no resident Magistrate, may appoint some other person for that purpose; and persons shall on such examination and review answer upon oath all such questions as may be put to them by the Magistrate or other person; and if, upon such examination and review, it shall appear to the said Magistrate or other person, that any such returns are imperfect, defective or erroneous, the examining Magistrate or other person may examine witnesses and direct the person presenting the same to amend such defect, error or imperfection, previous to such returns being certified as hereinafter mentioned.

4. Every person appointed to take the census in any division of the respective places of the Colony and its dependencies shall, at least ten days preceding the day on which such examination and revision shall be holden, furnish to the senior clergyman or minister of each religious denomination who shall reside within such division a copy of the schedule, as filled up by him, for such division, and also a notice of the time and place of holding such examination and revision: Provided that in any division or place where there shall not be any resident clergyman or minister a copy of the schedule so filled up shall be furnished at least ten days preceding the day on which such examination and revision shall be holden to such person as shall be appointed by the bishop or principal of such religious denomination to receive the same.

5. On being satisfied of the correctness of any such returns as aforesaid, the examining Magistrate or other person appointed shall certify under his hand that such return is, to the best of his knowledge and belief, correct; and such certificate shall, together with the said return, be filed in the office of the Colonial Secretary by the person who shall have compiled such return, by a day in that behalf to be appointed by the Governor in such directions as aforesaid; and such returns shall be reduced into order under the direction of the Colonial Secretary or by some officer in his department, and an abstract thereof shall be laid before the Legislature at its next session.

6. If any person so appointed shall wilfully compile or make a return false in any of the particulars required, such person shall forfeit a sum not exceeding two hundred dollars, to be recovered in any Court of record; and in default of payment shall be subject to imprisonment for

any period not exceeding six months, and shall further forfeit all compensation for his service.

7. The general census and returns under this Chapter shall be taken and made between the months of June and December in the year A. D. one thousand nine hundred and twenty-one, and in at least every tenth year thereafter, and oftener if a previous appropriation be made for such purpose by the Legislature, and the taking of every census shall so far as practicable be simultaneous. The tables to be issued by the Governor in Council shall be in the forms contained in the schedule of questions annexed thereto, with such alterations and additions as the Governor in Council shall deem expedient.

8. The remuneration to the several persons to be appointed, and the expenses incurred for other purposes in carrying into effect the provisions of this Chapter, shall be payable by warrant on the Minister of Finance and Customs.

SCHEDULE OF QUESTIONS.

Buildings.

- | | | |
|------------------------------------|---|--------------------|
| 1. How many inhabited houses. | } | and where situate. |
| 2. By how many families inhabited. | | |
| 3. Houses now building. | | |
| 4. Uninhabited houses. | | |
| 5. Stores, barns and outhouses. | | |
| 6. Fishing rooms in actual use. | | |

Inhabitants of various ages.

- | | | |
|--|---|-----------------------|
| 7. Number of males under 6 years of age. | } | Names and where born. |
| 8. " females under 6. | | |
| 9. " males from 6 to 16. | | |
| 10. " females from 6 to 16. | | |
| 11. " males from 16 to 21. | | |
| 12. " females from 16 to 21. | | |
| 13. " males from 21 to 30. | | |
| 14. " females from 21 to 30. | | |
| 15. " males from 30 to 40. | | |
| 16. " females from 30 to 40. | | |
| 17. " males from 40 to 50. | | |
| 18. " females from 40 to 50. | } | |
| 19. " males from 50 to 70. | | |
| 20. " females from 50 to 70. | | |
| 21. " males and females from 70 upwards. | | |

Married.

22. Number of married persons.

Widowers.

23. Number of widowers.

Widows, &c.

24. Number of widows and orphans.

Paupers.

25. Number of cripples, aged and disabled paupers.

Deaf and Dumb.

26. Number of males, deaf and dumb.

27. Number of females, deaf and dumb.

Blind.

28. Number of males blind.

29. Number of females blind.

Lunatics.

30. Number of male lunatics.

31. Number of female lunatics.

32. Number of male idiots.

33. Number of female idiots.

Indians.

34. Number of male Indians, including children.

35. Number of female Indians, including children.

Coloured Persons.

36. Number of coloured males, including children.

37. Number of coloured females, including children.

Births, Deaths and Marriages.

38. Number of births the preceding year.

39. " deaths the preceding year.

40. " marriages the preceding year.

Number engaged in various professions.

41. Number of clergymen or ministers.

42. " doctors and lawyers.

43. " farmers.

44. " mechanics.

45. " merchants and traders.

46. " persons engaged in catching and curing fish.

47. " persons engaged in lumbering.

Churches and Schools and Pupils.

- 48. Number of churches and places of worship of each denomination.
- 49. " schools in each district.
- 50. " children attending school.

Number of various Religious Denominations.

- 51. Number of Church of Eng and.
- 52. " Roman Catholics.
- 53. " Kirk of Scotland.
- 54. " Free Church.
- 55. " Baptists.
- 56. " Wesleyan Methodists.
- 57. " Congregationalists.
- 58. " other denominations.

Improved Lands.

- 59. Number of acres of cultivated land and average value.
- 60. " acres of other improved lands.

Agricultural Products.

- 61. Number of tons of hay cut.
- 62. " bushels of wheat raised.
- 63. " bushels of barley raised.
- 64. " bushels of rye raised.
- 65. " bushels of oats raised.
- 66. " barrels of potatoes raised.
- 67. " barrels of turnips raised.
- 68. " barrels of other root crops.
- 69. Quantity of timothy and clover seed raised.

Agricultural Stock.

- 70. Number of neat cattle.
- 71. " milch cows.
- 72. " horses.
- 73. " sheep.
- 74. " swine and goats.

Fisheries.

- 75. Number of vessels engaged in the seal or other fisheries and men on board.
- 76. Amount of tonnage engaged in the fisheries.
- 77. Number of large boats engaged in fisheries and men on board; from 4 to 15 quintals; 15 to 30; 30 and upwards.
- 78. Number of nets and seines.

79. Quantity of codfish cured.
80. " salmon caught and cured.
81. " mackerel caught and cured.
82. " herring cured.
83. Quantity and value of other fish cured, distinguishing each kind.
84. Quantity and value of fish and oil, distinguishing each kind.
85. Quantity of seals.
86. Number of seal nets.
87. " cod seines.
88. " herring nets and seines.
89. " caplin seines.

Mills and Factories.

90. Number and value of saw mills, and number of hands employed.
91. " grist mills, and number of hands employed.
92. " tanneries, and number of hands employed.
93. " foundries, and number of hands employed.
94. " weaving and carding establishments, and number of hands employed.
95. " breweries and distilleries, and number of hands employed.
96. " hand looms.
97. " factories other than the above, and number of hands employed.

Articles Manufactured.

98. Number of yards of fulled cloth manufactured last year.
99. Number of yards of cloth not fulled.
100. Number of yards of flannel.
101. Value of boots and shoes manufactured.
102. " leather manufactured.
103. " candles manufactured.
104. " soap manufactured.
105. " agricultural implements manufactured.
106. " chairs and cabinet wares manufactured.
107. " carriages manufactured.
108. " wooden ware, other than the above, manufactured.
109. " iron castings manufactured.
110. Quantity of coals and other minerals raised, specifying each kind.
111. Quantity of iron smelted, and value.
112. Number of gallons of malt liquor manufactured.
113. Number of gallons of distilled liquor manufactured.
114. Bushels of lime burnt, and value.

116. Tons and value of gypsum quarried.
117. Quantity of butter manufactured.
118. Quantity of cheese manufactured.
119. Number of vessels built, and tonnage.
120. “ boats built.
121. “ and value of slates quarried and manufactured.
122. Value of imports into and exports from Newfoundland.
123. Value of imports and exports from Labrador.
124. Number of vessels and tonnage owned in this Colony.
125. Number of able-bodied fishermen and seamen in this Colony and its dependencies.

CHAPTER 21.

Of Enquiries Concerning Public Matters.

SECTION

1.—Governor in Council may appoint Com-
missions of Enquiry.

SECTION

2.—Taking of evidence by Commissioners
and their powers.

1. Whenever the Governor in Council deems it expedient to cause enquiry to be made into and concerning any matter connected with the good government of this Colony, or the conduct of any part of the public business thereof, or the administration of justice therein, or into the manner of prosecuting the fisheries of the Colony, including the seal fishery, and the loss of life arising out of such prosecution, and the means provided for the health, comfort and safety of persons engaged in such fisheries, and such enquiry is not regulated by any special law, the Governor may, by the commission in each case, confer upon the commissioners or persons by whom such an enquiry is to be conducted the power of summoning before them any party or witness, and of requiring them to give evidence on oath orally or in writing, (or on solemn affirmation), and to produce such documents and things as such commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

2. The Commissioner or Commissioners shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of law in civil cases; and any wilfully false statement made by any such witness on oath or solemn affirmation shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury; but no such party or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution. The Commissioner or Commissioners may suggest such remedial measures as may be deemed desirable.

TITLE IV.

OF THE REVENUE

CHAPTER 22.

Of the Customs.

SECTION

- 1.—Short title.
- 2.—Interpretation.
- 3.—Governor in Council may appoint port of entry.
- 4.—Duties to be debts to Her Majesty.
- 5.—Additional duty payable in case of undervaluation of goods in bill of entry.
- 6.—Governor in Council may, in case of difference declares rates of duty.
- 7.—Invoices of goods to be in currency of country of export.
- 8.—Duties proportionate.
- 9.—Allowances for tare and draft.
- 10.—Duty on non-enumerated articles resembling enumerated.
- 11.—Duty on non-enumerated articles resembling more than one enumerated.
- 12.—Duty on articles made of more than one material.
- 13.—Duty on articles enumerated under more than one name.
- 14.—Duty on enumerated spirits and strong waters.
- 15.—Duty on derelict flotsam, &c.
- 16.—Sale for non-payment of duties within twelve months.
- 17.—Samples may be taken.
- 18.—Goods not to be unladen, nor bulk broken, except after due entry, &c.
- 19.—Steamboats' cargo may be discharged into a warehouse.
- 20.—Goods imported to be brought only into port of entry.
- 21.—Vessels may be boarded within three miles of anchorage.
- 22.—Report to be made by master of vessel arriving from sea or coastwise.
- 23.—Production of register and bills of lading.
- 24.—Penalty for breach of provisions of last section.
- 25.—Goods not reported liable to forfeiture.
- 26.—Foods intended for another port or for export.
- 27.—Goods not intended to be landed at first port.
- 28.—Entries to be made within three days of arrival of goods.
- 29.—Person entering goods to deliver invoice.
- 30.—Goods not entered may be taken to warehouse and sold.
- 31.—Quantity and value to be stated in bill of entry.
- 32.—Duties amounting to less than \$200 to be paid in cash.
- 33.—Interest at 6 per cent. to be paid on bonds for duties.
- 34.—Entries by bill of sight.
- 35.—Case in which sight entry may be made.

SECTION

- 36.—Entry not perfect without invoice unless ordered by Governor in Council.
- 37.—Invoice to be attested on oath.
- 38.—In case of goods having more than one owner.
- 39.—Invoice may be required to be attested by owner and consignee, &c.
- 40.—In case of death, &c., of owner, &c., personal representative may make entry, &c.
- 41.—No person except owner, &c., may take oath unless a declaration by owner, &c., is attached by bill of entry.
- 42.—Declaration to be kept by collector.
- 43.—Collector to retain and file invoices.
- 44.—Bonds to be given for goods entered *in transitu*, or for export or transshipment.
- 45.—Goods imported must have a clearance from port of export.
- 46.—Spirits not to be imported in packages of less than 30 gallons, except spirits in bottles, &c.
- 47.—Abatement of duties on goods imported damaged.
- 48.—Duties of collector in cases of claim for abatement or refund of duties account of damage.
- 49.—Evidence of allowance for damage, &c.
- 50.—Percentage of damage when ascertained to be deducted for duty.
- 51.—Return of duties paid on goods lost before landed.
- 52.—Allowance for damage to certain goods.
- 53.—Governor in Council may appoint appraiser, who shall take oath of office.
- 54.—Where no appraiser for any port of entry, collector to act as appraiser.
- 55.—Value of goods for duty.
- 56.—What shall be deemed the fair market value of goods.
- 57.—Special provisions as to the value of certain articles.
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INTERPRETATION AND CONSTRUCTION.

1. In this Chapter or in any other laws relating to the Customs, unless the context otherwise requires—

- (a) The expression “port” means a place where vessels may discharge or load cargo.
- (b) The expression “Collector” means the Collector of Customs at the port intended in the sentence, or any person lawfully deputed, appointed or authorized to do the duty of Collector thereat.
- (c) The expression “officer” means an officer of the Customs.
- (d) The expression “vessel” means any ship, vessel or boat of any kind whatsoever, whether propelled by steam or otherwise.
- (e) The expression “master” means the person having or taking charge of any vessel.
- (f) The expression “owner,” “importer” or “exporter” includes persons lawfully acting on their behalf.
- (g) The expression “goods” means goods, wares and merchandize, or moveable effects of any kind.
- (h) The expression “warehouse” means any place, whether house, shed, yard, dock, pound, or other place, in which goods imported may be lodged, kept or secured without payment of duty.
- (i) The expression “Customs warehouse” includes sufferance warehouse, bonding warehouse and examining warehouse.
- (j) The expression “oath” includes declaration and affirmation.
- (k) The use of the expression “seized and forfeited,” “liable to forfeiture,” or “subject to forfeiture,” or any other expression which might of itself imply that some act subsequent to the commission of the offence is necessary to work the forfeiture, shall not be construed as rendering any such subsequent act necessary, but the forfeiture shall accrue at the time of and by the commission of the offence in respect of which the penalty or forfeiture is imposed.
- (l) The expression “value” in respect to any penalty or forfeiture imposed by this Chapter, and based upon the value of any

goods or articles, means the duty-paid value of such goods or articles at the time of the commission of the offence by which such penalty or forfeiture is incurred.

(m) The expression "Court" means the Supreme Court of Newfoundland.

2. All the expressions and provisions of this Chapter or of any such law, as aforesaid, shall receive such fair and liberal construction and interpretation as will best insure the protection of the revenue and the attainment of the purpose for which this Chapter or such law was made, according to its true intent, meaning and spirit.

3. The Governor in Council may, by regulation from time to time, appoint the ports and places of entry for the purposes of this Chapter, and may in like manner increase or diminish the number or alter the position or limits thereof.

DUTIES.

4. The true amount of Customs duties payable to His Majesty with respect to any goods imported into this Colony, or exported therefrom, and the additional sum, if any, payable under the next following section of this Chapter shall, from and after the time when such duties should have been paid or accounted for, constitute a debt due and payable to His Majesty, jointly and severally, from the owner of the goods at the time of the importation or exportation thereof, and from the importer or exporter thereof, as the case may be; and such debt may, at any time, be recovered, with full costs of suit, in any Court of competent jurisdiction, and shall constitute and be a prior claim upon the estate, lands, goods, chattels, credits and effects of the importer, consignee or other person owing such debt.

5. If in any case the true value for duty of any goods as finally determined under this Chapter, or as determined in any action or proceeding to recover unpaid duties, exceeds by twenty per centum, or more, the value for duty as it appears by the bill of entry thereof, there shall be levied and collected upon the said goods, in addition to the ordinary duty payable on such goods, when properly valued, a sum equal to one-half of the whole duty so payable; and if the owner, importer or consignee refuses or neglects to pay the said duty and additional sum within six days after notice so to do has been served upon him personally or by leaving the same at his domicile or place of business, the goods shall be seized and forfeited.

6. Whenever any difference arises as to whether any or what rate of duty is payable on particular goods, and there is no previous decision in the matter by any competent tribunal, or there are decisions inconsistent with each other, the Governor in Council may declare the rate of duty payable on the kind of goods in question, or that such goods are exempt from duty; and any decision of the Governor in Council, or any Order in Council made upon appeal, containing such declaration and fixing such rate of duty, if any, shall have the same force and effect as if such rate of duty had been fixed and declared by statute; and every Order in Council made under this section shall be published in the *Royal Gazette*.

7. All invoices of goods shall be made out in the currency of the country whence the goods are imported, and shall contain a true statement of the value of such goods; and in computing the value for duty of such currency, the rate thereof shall be such as has been ordered and proclaimed, from time to time, by the Governor in Council, who is hereby empowered to make such order, and the rate ordered shall be based upon the actual value of the standard coins or currency of such country as compared with the standard dollar of the Colony, in so far as such comparative values are known; and whenever the value of a currency has not been proclaimed, or whenever there is no fixed standard value, or whenever from any cause the value of such currency has become depreciated, there shall be attached to the invoice of the goods imported a certificate of some Consul resident in such place or country, showing the extent of such depreciation, or the true value of the currency in which such invoice is made out, then and there, as compared with the standard dollar of this Colony: Provided, however, that whenever the value of a depreciated currency is dependent upon the rate of exchange on London, it shall be optional with the importer, with the consent of the Collector, or other proper officer to compute the value for duty at the rate of exchange certified by the bank through which the exchange is drawn, as current at the time and place when and whence the goods were exported to this Colony: Provided also, that when the currency value is so determined at the time of entry, either by a Consul's certificate or by the certificate of the bank as hereinbefore provided, such rate or value shall be final and not open to any re-adjustment by reason of the subsequent production of any certificate not corresponding in rate or value with that adopted.

8. Whenever duties are imposed according to any specific quantity or to any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value, and to any fractional part of such specific quantity.

9. Whenever duties are charged according to the weight, tale, gauge or measure, such allowances shall be made for tare and draft upon the packages as are prescribed by regulations made by the Governor in Council.

10. On each and every non-enumerated article which bears a similitude, either in material or quality or in the use to which it may be applied, to any enumerated article chargeable with duty, the same rate of duty shall be payable which is charged on the enumerated article which it most resembles in any of the particulars before mentioned.

11. If any non-enumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, the duty on such non-enumerated article shall be the same as that on the enumerated article, which it resembles, paying the highest duty.

12. On all articles manufactured from two or more materials, the duty shall be that charged on the article, if there is a difference of duty, which is charged with the highest duty.

13. If any article is enumerated in the tariff under two or more names or descriptions, and there is a difference of duty, the highest duty provided shall be charged and collected thereon.

14. Spirits and strong waters, from whatsoever substance distilled or prepared, having the flavor of any kind of spirits or strong waters subject to a higher duty than whiskey, shall be liable to the duty imposed on spirits or strong waters of which they have the flavor.

15. Goods derelict, flotsam, jetsam or wreck, or landed or saved from any vessel wrecked, stranded or lost, brought or coming into this Colony, shall be subject to the same duties and regulations as goods of the like kind imported are subject to.

16. If the duties on goods referred to in the next preceding section are not paid within twelve months from the time when the same were delivered to the proper officer, as hereinafter mentioned, the same may be sold in like manner and for the same purpose as goods imported may, in such default, be sold; and if they are sold for more than enough to pay the duty and charges thereon, the surplus shall be paid over to the person entitled to receive it.

17. The proper officer may take such samples of goods as shall be necessary for ascertaining the amount of any duties payable on the same.

and all such samples shall be disposed of and accounted for in such manner as the Minister of Finance and Customs shall direct.

REPORT AND ENTRY INWARDS.

18. No goods shall be unladen from any vessel arriving at any port or place in this Colony from any place out of this Colony, or from any vessels having dutiable goods on board brought coastwise, nor shall bulk be broken within three leagues of the coast, until due entry has been made of such goods and warrant granted for the unloading of the same; and no goods shall be so unladen, unless for the purpose of lightening the vessel in crossing over or getting clear from a shoal, rock, bar, or sand-bank, except between six o'clock in the morning and six o'clock in the evening, and on some day not being a Sunday or statutory holiday, and at some hour and place at which an officer of the Customs is appointed to attend the unloading of goods, or at some place for which a sufferance has been granted by the collector or other proper officer for the unloading of such goods; and if, after the arrival of the vessel within three leagues of the coast, any alteration is made in the stowage of the cargo so as to facilitate the unlawful unloading of any part thereof, or if any part thereof is fraudulently staved, destroyed, or thrown overboard, or any package is opened, it shall be deemed a breaking of bulk; and all goods unladen contrary to this Chapter shall be seized and forfeited; and if bulk is broken contrary to this Chapter the master shall forfeit four hundred dollars, and the vessel may be detained until the said sum is paid, or satisfactory security is given for the payment thereof; and unless payment is made or security is given within thirty days, such vessel may, at the expiration thereof be sold to pay the said sum.

19. (a) The Governor in Council may make such regulations as are deemed advisable for the appointment and regulation of warehouses, wharves and other places at which goods arriving by vessel or railway may be landed and stored before entry thereof. Goods so deposited therein shall be deemed to be on board the importing vessel or railway, and shall be subject to the same regulations, penalties and forfeitures as if they had not been taken thereout.

(b) Such goods shall be duly reported to the Collector or other proper officer before being landed, and the Collector's warrant for such landing obtained. Such goods after being landed shall be dealt with by the proper Officer of the Customs according to law.

- (c) Entry of such goods shall be made and any duty thereon paid or otherwise provided for, and the goods removed, within eight days after the report thereof has been made, and if within the said eight days such entry be not made, or such duty paid, or provided for, or if the goods be not removed, the Collector may cause the said goods to be conveyed to and stored in a place appointed for that purpose.
- (d) If such goods be not removed within the eight days aforesaid, the owner or agent of the carrying vessel or railway, or a person duly authorized in writing on his behalf, may make complaint on oath to the Collector that the goods are causing inconvenience, or are likely to cause inconvenience, and if either be the case, and no physical cause prevents removal, or renders it unduly difficult or expensive, the Collector shall, after notice to the owner of the goods, cause the said goods to be conveyed to and stored in a place appointed for that purpose.
- (e) Warehouse rent may be charged on goods removed from a sufferance warehouse to any other place as provided herein, and such rent and the costs of removal shall constitute a lien on such goods.
- (f) If proper entry be not made, or if the duty be not paid or provided for, or if the costs of removal be not paid, before the expiration of sixty days from the day when such goods were reported, the Collector shall cause the goods to be sold at public auction and from the proceeds thereof shall pay duty, warehouse rent, and removal charges, and secondly the freight charges due to the carrier of the goods, and the surplus if any, shall be paid to the owner of the goods.
- (g) If it shall appear that the person duly entitled to remove goods from a sufferance warehouse has been ready and willing to remove the goods, and has been prevented by reason of the congestion of goods in such warehouse, or from any other cause attributable to the owner or agent of the carrying vessel or railway, the person paying the warehouse rent and removal charges under the provisions aforesaid, may recover the amount thereof in an action against such owner or agent.
- (h) Nothing done under this section shall affect any contract, expressed or implied, between any carrier and the owner, shipper or consignee of any goods, or the rights or liabilities of

any person under such contract, or any contract of insurance.

- (i) The carrier shall have the same lien on the goods removed under sub-section (d) and (e) hereof for freight or other charges as if the same had not been deposited in the sufferance warehouse or subsequently removed.

20. All goods imported into this Colony, whether dutiable or not, shall be brought in at a port of entry where a Custom House is lawfully established.

21. In the case of every vessel bound for any seaport or place in this Colony from any port out of this Colony, the collector or proper officer of such port may cause such vessel to be boarded by an officer of Customs detailed by him for such service, at any place within three marine miles of the anchorage ground, and such officer may demand from the master or purser of such vessel a correct copy of the report inwards intended by such master or purser to be presented at the Custom House on arrival; and such boarding officer may remain on board the vessel until she anchors, and the copy of the report so received by him shall be deposited by him at the Custom House as the vessel's report inwards for comparison with that to be presented by the master or purser in person.

22. The master of every vessel coming from any port or place out of this Colony, or coastwise, and entering any port in this Colony, whether laden or in ballast, shall go without delay, when such vessel is anchored or moored, to the Custom House for the port or place of entry where he arrives, and there make a report in writing to the Collector or other proper officer, of the arrival and voyage of such vessel, stating her name, country and tonnage, the port of registry, the name of the master, the country of the owners, the number, names and additions of the passengers, if any, the number of the crew, and whether the vessel is laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and of the sorts of goods and the different kinds of each sort contained therein, and where the same was laden, and the particulars of any goods stowed loose, and where and to whom consigned, and where any, and what goods, if any, have been laden or unladen, or bulk has been broken during the voyage, what part of the cargo and the number and names of the passengers which are intended to be landed at that port, and what and whom at any other port in this Colony, and what part of the cargo, if any, is intended to be exported in the same vessel, and what surplus stores remain on board, as far as any of such particulars are or can be known to him.

- (1) The report as to passengers shall be in the form of Schedule A to this Chapter.
- (2) For every default in furnishing the said report the master shall be liable to a penalty not exceeding two hundred dollars.

23. The master shall, at the time of making his report, if required by the officer of Customs, produce to him the certificate of registry of his vessel, the bills of lading of the cargo, or true copies thereof, and shall make and subscribe an affidavit referring to his report and declaring that all the statements made in the report are true; and shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as are demanded of him by such officer, and shall, if required, make the substance of any such answer part of his report.

24. If any goods are unladen from any vessel before such report is made, or if the master fails to make such report, or makes an untrue report, or does not truly answer the questions demanded of him, as provided in the next preceding section, he shall incur a penalty of four hundred dollars, and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days such vessel may after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling such vessel.

25. All goods not reported found on board of any vessel or landed, shall be seized and forfeited, unless it appears that there was no fraudulent intention, in which case the master shall be allowed to amend his report; but the necessary discharging of any goods for the purpose of lightening the vessel, in order to pass any shoal or otherwise for the safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk.

26. If the contents of any package intended for importation into another port, or for exportation, are unknown to the master, the proper officer may open and examine it, and cause it for that purpose to be landed if he sees fit; and if any prohibited goods are found therein all the goods in such package shall be seized and forfeited.

27. If any goods are brought in any vessel from any place out of this Colony to any port of entry therein, and not landed, but it is intended to convey such goods to some other port in this Colony in the same vessel, there to be landed, the duty shall not be paid or the entry completed at the first port, but at the port where the goods are to be landed, and to which they shall be conveyed accordingly under such regulations, and

with such security or precautions for compliance with the requirements of this Chapter as the Governor in Council from time to time directs.

28. Every importer of goods by sea, or from any place out of this Colony, shall, within three days after the arrival of the importing vessel, make due entry inwards of such goods and land the same.

29. The person entering any goods inwards shall deliver to the Collector, or other proper officer, an invoice of such goods, showing the place and date of purchase and the name or style of the firm or person from whom the goods were purchased, and a full description thereof in detail, giving the quantity and value of each kind of goods so imported, and the bill of entry thereof, in such form as is appointed by the Governor in Council, fairly written or printed, or partly written and partly printed, and in duplicate, containing the name of the importer, the name of the vessel and of the master, and of the place to which bound, and of the place within the port where the goods are to be unladen, the description of the goods, and the marks and numbers and contents of the packages, and the place from which the goods are imported, and of what country or place such goods are the growth, produce or manufacture, and the value of such goods. Unless the goods are to be warehoused in the manner by this Chapter provided, the importer shall at the same time pay down or cause to be paid down, or otherwise secure all duties upon all goods entered inwards, and the said officer shall thereupon grant his warrant for the unloading of such goods further into this Colony, if so required by the importer.

30. In default of such entry and landing or production of the goods or payment of duty, the officer of Customs may convey the goods to a Customs warehouse, or some secure place appointed by the Collector for such purpose, there to be kept at the risk and charge of the owner; and if such goods are not duly entered within one month from the date of their being so conveyed to the Customs warehouse, or other appointed place, and all charges of removal and warehouse rent duly paid at the time of such entry, the goods shall be sold by public auction to the highest bidder and the proceeds thereof shall be applied, first to the payment of duties and charges, and the overplus, if any, after discharging the vessel's lien, or other charges for transportation, shall be paid to the owner of the goods or to his lawful agent: Provided always, that if the same cannot be sold for a sum sufficient to pay the duties and charges if offered for sale for home consumption, or the charges if offered for sale for exportation, such goods shall not be sold but shall be destroyed or exported from the Colony.

31. The quantity and value of any goods shall always be stated in the bill of entry thereof, although such goods are not subject to duty, and the invoice thereof shall be produced to the Collector.

32. In any case where the duty set forth in any entry shall not amount to two hundred dollars, the Collector or other proper officer shall forthwith collect the same before granting his warrant for the removal of the articles imported; and in case such duties shall amount to two hundred dollars, the Collector, or other proper officer aforesaid, may secure the said duties by taking bond, in the form prescribed by the Governor in Council, from the importer, owner or consignee, to His Majesty, with two sureties for the payment thereof in four months from the date of such bond: Provided that no bond shall be taken for duties payable on spirits distilled in this Colony, or for malt or dextrinous liquors brewed or manufactured therein.

33. Wherever, under the provisions of this Chapter, a bond shall be taken in security for duties, interest at the rate of six dollars per centum per annum shall be payable on the sum thereby secured, and shall be included in such bond; and the amount of such bond and interest shall constitute and be a prior claim upon the estate, lands, goods, chattels, credits and effects of any persons signing such bond from the time such person shall become insolvent until the amount of such bond and interest shall be paid.

34. If the importer of any goods whereon duty is imposed or the person authorized to make the declaration required with regard to such goods, makes and subscribes a declaration before the collector, or other proper officer, that he cannot for want of full information make perfect entry thereof, and takes the oath in such cases provided, then the Collector or officer may cause such goods to be landed on a bill of sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person and at his expense, in the presence of the collector or other proper officer, or of such other officer of the Customs as is appointed by the said collector or other proper officer, and to be delivered to such person on his depositing in the hands of the collector or officer a sum of money sufficient in the judgment of the collector or officer to pay the duties thereon, and if the importer does not complete a perfect entry within the time appointed by the collector, the money so deposited shall be taken and held to be the duty accruing on such goods and shall be dealt with and accounted for accordingly.

35. Such sight entry may be made as aforesaid and the goods may be delivered, if such importer or person as aforesaid makes oath or affirms

that the invoice has not been and cannot be produced, and pays to the Collector or proper officer aforesaid a sum of money sufficient in the judgment of such collector or officer to pay the duties on such goods; and such sum shall then be held to be the amount of such duties.

36. No entry shall, except in cases in which it is otherwise provided herein, or by regulation of the Governor in Council, be deemed perfect unless a sufficient invoice of the goods to be entered, duly certified in writing thereon as correct by the person, firm or corporation from whom the said goods were purchased, has been produced to the collector, and duly attested as required by this Chapter.

37. With the bill of entry of any goods there shall be produced and delivered to and left with the collector an invoice of the goods, as provided in the next preceding section, attested by the oath of the owner, and if the owner is not the person entering such goods, then verified by the oath of the importer or consignee, or (subject to the provision hereinafter made) other person who may lawfully make such entry and verify such invoice in the form or to the effect of the oath or oaths prescribed by the Governor in Council in that behalf, which oath or oaths shall be written or printed, or partly written and partly printed, on such invoice or on the bill of entry, as the case may be, or shall be annexed thereto, and shall in either case distinctly refer to such invoice, so that there can be no doubt as to its being the invoice to which such oath is intended to apply, and shall be subscribed by the person making it and certified by the signature of the person before whom it is made; and the bill of entry shall also contain a statement of the quantity and value for duty of the goods therein mentioned, and shall be signed by the person making the entry, and shall be verified in the form or to the effect of the oath prescribed by the Governor in Council in that behalf.

38. If there be more than one owner, importer or consignee of any goods, any one of them cognizant of the facts may take the oath required by this Chapter; and such oath shall be sufficient, unless the goods have not been obtained by purchase in the ordinary way, and some owner, resident out of this Colony, is the manufacturer or producer of the goods, or concerned in the manufacture or production thereof, in which case the oath of such non-resident owner, or one of them, if there are more than one cognizant of the facts, shall be requisite to the due attestation of the invoice.

39. The invoice of any goods produced and delivered to the collector, with the bill of entry thereof, shall, if required by the collector, be at-

tested by the oath of the owner, or one of the owners of such goods, and shall also be verified by the oath of the importer or consignee, or other person who may under this Chapter lawfully make entry of such goods and verify such invoice, if the owner or one of the owners is not the person entering such goods and shall also, if required by the collector, be attested by the oath of the non-resident owner being the manufacturer or producer of such goods, in the case mentioned in the next preceding section, although one of the owners is the person entering the goods and verifying the invoices on oath.

40. If the owner, importer or consignee of any goods is dead, or a bankrupt or insolvent, or if for any cause his personal estate is being administered by another person, his executor, administrator or assignee, or person administering as aforesaid, may, if cognizant of the facts, take any oath and make any entry which such owner, importer or consignee might otherwise have taken or made.

41. No person other than the owner, consignee or importer of the goods of which entry is to be made, shall be allowed to take any oath connected with the entry, unless there is attached to the bill of entry therein referred to a declaration by the owner, consignee or importer of the said goods, or his attorney and agent, duly appointed to transact business with the collector pursuant to the provision in that behalf of this Chapter, to the same effect as the oath, distinctly referring to the invoice presented with such bill of entry and signed by such owner, importer or consignee, or by his attorney and agent, appointed as aforesaid, either in the presence of the agent making the entry, or of a justice of the peace or notary public, who shall attest the signature.

42. Such declaration shall be kept by the collector; and if there is any wilfully false statement in such declaration the goods shall be liable to seizure and forfeiture in the same manner and with the same effect as if such false statement were contained in the oath, and the person making such false statement shall be subject to the same penalties, forfeitures and punishments as if he had himself taken the oath and had made such false statement therein; but such written declaration may be dispensed with under the order of the Governor in Council, when it is deemed advisable in the interests of commerce to dispense therewith.

43. The Collectors of Customs at all ports in this Colony shall retain and put on file, after duly stamping the same, all invoices of goods imported at such ports respectively, of which invoices they shall give certified copies or extracts, whenever called upon so to do by the importers,

and such copies or extracts so duly certified by the Collector or other proper officer and bearing the stamp of the Custom House at which they are filed, shall be considered and received in all Courts of Justice as *prima facie* evidence of the contents thereof; and the Collector shall be entitled to demand for each certificate a fee of fifty cents before delivering the same; but in no case shall an invoice be shown to or a copy thereof given to any person other than the said importer or an officer of Customs, except upon the order or subpoena of a Court of Justice.

44. Upon the entry at any Customs' port, under the authority and with the sanction of the Collector or other proper officer of Customs at such port, and subject to such rules and regulations as are or may be made in that behalf under the authority of this Chapter, the importer may pass the goods on to any Customs' port in any other part of Newfoundland, or in transit through Newfoundland by way of any Customs' port of exit in Newfoundland, and he shall, by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the performance of all the requirements of this Chapter, and of any rules and regulations, under a penalty equal to double the amount of the duty to which such goods are at the time subject; which penalty shall accrue on the commission of any act contrary to this Chapter, or to any rules or regulations, or on the omission to perform any act required to be performed in respect to such goods, in addition to any other penalties and forfeitures provided for by this Chapter, irrespective of the liability of the carrier under any bond or otherwise. To any goods so entered for transportation there shall, until such transportation is completed, or while such goods are in Newfoundland or upon such goods being diverted from the designated route of transportation or transit, wherever or in whatsoever possession found, attach the Customs' claim for the payment of such double duty, which claim shall have precedence of the claims of all other persons thereon, of whatever nature, and may be enforced by sale or other proceedings.

45. No goods shall be imported into this Colony as being imported from places beyond the seas, if any advantage attach to such a distinction, unless such goods appear by the cockpit, clearance, or other proper document for the same, to have been duly shipped and cleared outwards for exportation.

46. No spirits (except from Europe, the British West Indies, or the British Possessions in North America), shall be imported into this Colony, or be carried coastwise from one port to any other thereof in any cask or other vessel capable of containing liquors not being of the size or

contents of thirty gallons at least, or be exposed for sale, or be in possession of any person, unless the same shall have been transferred to such smaller cask or vessel after it shall have been brought into the Colony of which the proof shall be upon the party in possession: Provided that nothing herein contained shall extend to any spirits imported in any ship in bottles as part of the cargo, nor to any spirits being really intended for the consumption of the seamen or passengers of such ship during her voyage and not being more in quantity than is necessary for that purpose; and if any spirits, or other goods, wares or merchandize shall be imported or brought into this Colony contrary to the prohibition or restrictions contained in this Chapter in respect thereof, then, and in every such case, such spirits, or other goods, wares or merchandize, together with the packages containing the same, shall be forfeited.

GOODS DAMAGED OR LOST.

47. If any goods imported by water, or partly by water and partly by land, on which duties (*ad valorem*, or specific, or both), are payable, receive damage during the voyage of importation, between the actual departure of the vessel in which they are laden from the foreign port of exportation and the actual arrival of the goods at the port of destination in this Colony, whereby such goods have become lessened in value, an abatement may be made, in the manner hereinafter provided, in the duty payable upon such goods, or if duty has been paid thereon, a refund of a part of such duty may be made proportionate to the damage sustained, if the claim therefor is made in due form and is properly substantiated at the first landing from such vessel of the said goods, and while they are in the custody of the Crown, or as soon after such first landing as they can be examined: Provided always, that such examination is completed and certified by the Collector of Customs, Customs' appraiser, or other proper officer, who shall assess such damage within ten days of such landing.

48. The Collector of Customs, or appraiser, or other proper officer whose duty it is to examine and assess the amount of damage sustained in course of importation, shall do so with all possible despatch on being notified so to do, and shall certify the exact cause and extent of such damage with reference to the value of the goods in the principal markets of the country whence imported, and not according to the value in this Colony.

49. The Collector or appraiser shall not regard as evidence of the existence or amount of damage any price realized at an auction or forced sale of the goods, nor shall he estimate, nor shall any damage be allowed

which has originated from decay, dampness, or other cause existing before the voyage commenced, and which has rendered the goods unfit to withstand the ordinary risks of the voyage of importation, nor shall he estimate, nor shall any allowance be made for or duty refunded for rust on iron or steel or any manufacture thereof except manufactured articles, composed in whole or in part of polished steel, and on polished Russia iron and Canada plates and on such only to the extent of fifty per cent., nor shall any allowance be made for stains or injury to any packages holding liquids, or the labels thereon, unless the contents of such packages have at the same time received actual specific damage by the admixture therewith of water or other foreign substance; nor shall any allowance be made for damage to sugar.

50. When the collector or appraiser has ascertained the percentage of damage, such percentage shall be deducted from the original value of the goods, and duty shall then be levied and collected on such reduced value at an *ad valorem* rate, which shall be equivalent to the rate of specific or specific and *ad valorem* duty which should have been collected upon such goods if they had not been so damaged.

51. Whenever any vessel has reported at the Custom House at any port in this Colony, on board of which there are any goods on which any duty has been levied or collected, or on which any duty has been deposited, and thereafter the said goods are lost or destroyed before the same are landed from such vessel, or from any vessel or craft employed to lighten such vessel, then, on proof being made on the oath of one or more credible witness or witnesses before and to the satisfaction of the collector or proper officer of the Customs at the place, who shall administer the oath, that such goods, or any part thereof, specifying the same, have been so lost or destroyed before the landing of the same, the duties on the whole or part thereof so proved to be lost or destroyed shall, if the same have been paid or deposited, be returned to the owner or his agent.

52. An allowance may be made for deterioration by natural decay, during the voyage of importation, upon perishable articles, such as green fruits and vegetables imported into this Colony, but in assessing the same, and in estimating the damage by breakage upon brittle goods, such as crockery, china, glass and glassware, under the provisions of this Chapter, such allowance or damage shall only be made and allowed for the amount of loss in excess of twenty-five per cent. of the whole quantity damaged, and only if claim is made therefor, and the loss or damage certified upon examination made by the appraiser or proper officer of Customs within three days of the landing or arrival of such goods at the port

of destination thereof; and if the duty has been paid on the full value thereof a refund of such duty may be allowed and paid on application to the Minister of Finance and Customs in the proportion and on fulfilment of the conditions hereinbefore specified, but not otherwise.

APPRAISERS.

53. The Governor in Council may appoint appraisers, to be called Newfoundland Customs' Appraisers, with jurisdiction at all ports and places in this Colony; and may also appoint Customs' Appraisers with jurisdiction at such ports and places in this Colony as are designated in the Order in Council in that behalf; and every such appraiser shall, before acting as such, take and subscribe the following oath of office before any collector or other person duly authorized to administer such oath:—

I, A. B., having been appointed an appraiser of goods, wares and merchandize, and to act as such at the port of _____, (*or as the case may be*), do solemnly swear (*or affirm*) that I will faithfully perform the duties of the said office without partiality, fear, favor or affection, and that I will appraise the value of all goods submitted to my appraisement according to the true intent and meaning of the laws imposing duties of Customs in Newfoundland; and I will use my best endeavours to prevent all fraud, subterfuge, or evasion of the said laws, and more especially to detect, expose and frustrate all attempts to undervalue any goods, wares or merchandize on which any duty is chargeable. So help me God.

A. B., Appraiser for
(*as the case may be*).

Sworn before me, this _____ day of _____, 19 ____.
(*as the case may be*).

54. If no appraiser is appointed in any port of entry, the collector there shall act as appraiser, but without taking any special oath of office as such; and the Minister of Finance and Customs may at any time direct any appraiser to attend to any port or place for the purpose of valuing any goods or of acting as appraiser there during any time, which such appraiser shall accordingly do without taking any new oath of office; and every appraiser shall be deemed an officer of the Customs.

VALUATION FOR DUTY.

55. Whenever any duty *ad valorem* is imposed on any goods imported into this Colony, the value for duty shall be the fair market value thereof when sold for home consumption in the principal markets of the country whence and at the time when the same were exported directly to this Colony.

56. Such market value shall be the fair market value of such goods in the usual and ordinary commercial acceptation of the term at the usual and ordinary credit, and not the cash value of such goods, except in cases in which the article imported is by universal usage considered and known to be a cash article and so *bona fide* paid for in all transactions in relation to such article; and all invoices representing cash values, except in the special cases herein referred to, shall be subject to such additions as to the collector or appraiser of the port at which they are presented appear just and reasonable to bring up the amount to the true and fair market value, as required by this section. It shall be lawful for the Minister of Finance and Customs, upon being satisfied that any such goods are invoiced at less than the fair market value as defined in this section, to order said goods to be seized and sold at public auction. The Minister of Finance and Customs shall pay to the importer of the goods so seized the invoice value thereof and fifteen per cent. thereof in addition thereto, and he shall pay the proceeds of any sale of such goods into the Treasury for the use of the Colony.

57. If any difficulty arises in determining the fair market value for duty of goods imported into this Colony, which are the manufacture and production of foreign countries or of Great Britain, such as musical instruments, sewing machines, agricultural machines or implements, medical preparations, commonly called patent medicines, and other similar goods, the prices of which are published by the manufacturers or producers, or persons acting on their behalf, the Governor in Council may, from time to time, fix and determine a certain rate of discount, which may be deducted from such published prices of any such manufactures or productions, and the remainder of such published prices, after deducting such rate of discount, shall be deemed and taken to be the fair market values for duties of any such manufactures or productions as are specified in such Order in Council.

58. In determining the dutiable value of goods, except when imported from Great Britain, Ireland, Canada, the United States and from any other country which by treaty is entitled to most-favoured-nation treatment, there shall be added to the cost, or the actual wholesale price, or fair market value, at the time of exportation, in the principal markets of the country from whence the same have been imported into this Colony, the cost of inland transportation, shipment and transshipment, with all the expenses included, from the place of growth, production or manufacture, whether by land or water, to the vessel in which shipment is made, either *in transitu* or direct to this Colony, subject to such regula-

tions as are made by the Governor in Council: Provided, that in case of any dispute respecting the proper amount of such inland transportation charges, the Minister of Finance and Customs may determine the same, and his decision shall be final in that respect.

- (1) The Governor in Council may provide that, in the cases and on the conditions to be mentioned in the Order in Council, goods *bona fide* exported to Newfoundland from any country, but passing *in transitu* through another country, shall be valued for duty as if they were imported directly from such first mentioned country;
- (2) Goods that have been entered for consumption or for warehouse, or that have been permitted to remain unclaimed, or that have been permitted to remain for any purpose in any country intermediate between the country of export and Newfoundland, shall not be considered as *in transitu* through such intermediate country, but shall be treated as goods imported from such intermediate country and be valued and rated for duty accordingly.
- (3) When any manufactured article is imported into this Colony in separate parts, each such part shall be charged with the same rate of duty as the finished article, on a proportionate valuation, and when the duty chargeable thereon is specific, or specific and *ad valorem*, an average rate of *ad valorem* duty, equal to the specific or specific and *ad valorem* duty so chargeable, shall be ascertained and charged upon such parts of the manufactured article.

59. The Governor in Council shall, from time to time, establish such regulations, not inconsistent with law, as are required to secure a just, faithful and impartial appraisal of all goods imported into this Colony, and just and proper entries of the actual or fair market value thereof, and of the weights, measures or other quantities thereof, as each case requires; and such regulations, whether general or special, so made by the Governor in Council, shall have the full force and authority of law; and the appraisers of this Colony and every person who acts as such appraiser, or the Collector of Customs, as the case may be, shall, by all reasonable ways and means in his or their power, ascertain, estimate and appraise the true and fair market value and wholesale price (any invoice or affidavit thereto to the contrary notwithstanding), of the goods at the time of exportation, and in the principal markets of the country whence

the same have been imported into this Colony, and the proper weights, measures or other quantities, and the fair market value or wholesale price of every one of them, as the case requires.

60. No refund of duty paid shall be allowed because of any alleged inferiority or deficiency in quantity of goods imported and entered, and which have passed into the custody of the importer under permit of the collector of Customs or because of the omission in the invoice of any trade discount, or other matter or thing, which might have the effect of reducing the value of such goods for duty, unless the same has been reported to the collector of Customs within ten days of the date of entry, and the said goods have been examined by the said collector or by an appraiser, or other proper officer of Customs, and the proper rate or amount of reduction certified by him after such examination; and if such collector or proper officer reports that the goods in question cannot be identified as those named in the invoice and entry in question, no refund of the duty or any part thereof shall be allowed; and all applications for refund of duty in such case shall be submitted, with the evidence and all particulars, for the decision of the Minister of Finance and Customs, who may order payment on finding the evidence sufficient and satisfactory.

61. The fair market value of goods shall be taken to include the amount of any drawback which has been allowed by the government of any other country: and in cases where the amount of such drawback has been deducted from the value of such goods, upon the face of the invoice under which entry is to be made, or is not shown thereupon, the collector of Customs or proper officer shall add the amount of such deduction or drawback, and collect and cause to be paid the lawful duty thereon.

62. (1) No deduction of any kind shall be allowed from the value of any goods imported into this Colony because of any drawback paid or to be paid thereon, or because of any special arrangement between the seller and purchaser having reference to the exportation of such goods, or to the exclusive right to territorial limits for the sale thereof, or because of any royalty payable upon patent rights, but not payable when goods are purchased for exportation, or on account of any other consideration by which a special reduction in price might or could be obtained; provided that nothing herein shall be understood to apply to general fluctuations of market values.

(2) Whenever goods are imported into this Colony under such circumstances or conditions as to render it difficult to deter-

mine the value thereof for duty, either because such goods are not sold for use or consumption in the country of production, or because a lease of such goods or the right of using the same is sold or given, but not the right of property therein, or because such goods having a royalty imposed thereon, the royalty is uncertain or is not from other causes a reliable means of estimating the value of the goods, or because such goods are usually or exclusively sold by or to agents or by subscription, or are sold or imported in or under any other unusual or peculiar manner or conditions, of all which matters the Minister of Finance and Customs shall be sole judge, the Minister of Finance and Customs may determine the value for duty of such goods, and the value so determined shall, until otherwise provided, be the value upon which the duty on such goods shall be computed and levied.

63. No deduction from the value of goods contained in any invoice shall be allowed on account of the assumed value of any package or packages, where no charge for such package or packages has been made in such invoice; and where such charge is made the Customs' officer shall see that the charge is fair and reasonable, and represents no more than the original cost thereof.

64. No deduction from the value of goods in any invoice shall be made on account of charges for packing, or for straw, twine, cord, paper, cording, wiring or cutting, or for any expense incurred or said to have been incurred in the preparation and packing of goods for shipment, and all such charges and expenses shall in all cases be included as part of the value for duty.

65. The standards or instruments by which the colours and grades of sugar are to be regulated, and the classes to which sugars shall be held to belong, with reference to duty chargeable thereon, shall be selected and furnished from time to time to the collectors of such ports of entry as are necessary, by the Minister of Finance and Customs, in such manner as he deems expedient, and the decision of the appraiser, or of the collector of a port where there is no appraiser, as to the class to which any sugar belongs, and the duties to which it is subject, shall be final and conclusive, unless upon appeal to the Minister of Finance and Customs within thirty days such decision is changed; and the decision of the Minister of Finance and Customs shall be final.

66. If, upon any entry or in connection with any entry, it appears to the Minister of Finance and Customs that any goods have been erroneously appraised or allowed entry at an erroneous valuation by any appraiser or collector acting as such, or that any of the foregoing provisions of this Chapter respecting the value at which goods shall be entered for duty have not been complied with, the Minister of Finance and Customs may order a fresh appraisement or valuation and may require an amended entry and payment of the additional duty if any, on such goods, or a refund of a part of the duty paid, as the case requires, under the valuation or appraisement so made, subject in case of dissatisfaction on the part of the importer, to all the provisions of the six sections of this Chapter next following.

67. If the importer, owner, consignee or agent is dissatisfied with the first appraisement, any appraiser, or any collector acting as such, or the person to be selected as hereinafter mentioned to examine and appraise any goods, may call before him and examine upon oath any owner, importer, consignee, or other person, touching any matter or thing which such appraiser, collector or person may deem material in ascertaining the true value of any goods imported, and may require the production on oath of any letters, accounts, invoices, or other papers or account books relating to the same, in the possession of such owner, importer, consignee, or other person.

68. Every person called, as provided in the next preceding section, who neglects or refuses to attend, or declines to answer or refuses to answer in writing, if required, to any interrogatories, or to subscribe his name to his deposition or answer, or to produce any such papers or account books, as provided by the next preceding section, when required so to do, shall incur a penalty of fifty dollars; and if such person is the owner, importer, or consignee of the goods in question, the appraisement which the appraiser, or collector acting as such, shall make thereof, shall be final and conclusive.

69. If the owner, importer or consignee of the goods in question wilfully swears falsely in any such examination, the goods shall be seized and forfeited; and all depositions or testimony in writing taken under either of the two sections next preceding shall be filed in the office of the collector at the place where the same are made or taken, there to remain for future use or reference.

70. (1) Except as herein otherwise provided, if the importer, owner, consignee, or agent, having complied with the re-

quirements of this Chapter, is dissatisfied with the appraisalment made by the appraiser hereinbefore mentioned of any such goods, he may within three days, give notice in writing to the collector of such dissatisfaction; on the receipt of which notice the collector shall at once notify such importer, owner, consignee or agent, to select one disinterested and experienced person, familiar with the character and value of the goods in question, and shall select a second person of similar knowledge, and notify such importer, owner, consignee or agent of such appointment.

- (2) The persons so selected, together with a third selected by the Minister of Finance and Customs, shall examine and appraise the goods in accordance with the provisions of this Chapter, and the decision of such persons, or of a majority of them, if they are not unanimous, shall be reported to the collector and shall be final and conclusive, and the duty shall be levied and collected accordingly.
- (3) Such decision shall in no way apply to any case except that submitted for the consideration of such appraisers.
- (4) Every person who acts as an appraiser under this section shall take an oath before a collector of Customs or a Justice of the Peace to act without fear, favor or partiality, and to appraise the goods with reference to which he is called on to act, in accordance with the laws imposing duties of Customs in this Colony.

71. The said persons appointed to appraise shall each be entitled to the sum of five dollars, which shall be paid by the person dissatisfied with the first appraisalment, if the value ascertained by the second appraisalment is equal to or greater than that ascertained by such first appraisalment, or if the value ascertained by such second appraisalment exceeds by ten per cent., or more, the value of the goods for duty as appears by the invoice and bill of entry thereof; otherwise the same shall be paid by the collector out of any public moneys in his hands and charged in his accounts.

72. Every person chosen to make an appraisalment required under this Chapter, who after due notice of such choice has been given to him in writing, declines or neglects to make such appraisalment, shall for so refusing or neglecting without good and sufficient cause incur a penalty of forty dollars and costs.

WAREHOUSING.

73. The Governor in Council may constitute any port in this Colony a warehousing port for the purposes of this Chapter, and the Minister of Finance and Customs, the Assistant Collector or the Collector of any port so constituted may, by notice in writing under his hand, appoint from time to time such warehouses at such ports as shall be approved by him for warehousing and securing of goods therein, and also in such notice declare what sort of goods may be so warehoused, and also by like notice revoke or alter any such appointment or declaration: Provided that every such notice shall be first transmitted to the Colonial Secretary and be published in such manner as the Governor in Council shall direct.

74. The importer of any such goods into the said ports may warehouse the same in the warehouses so constituted or appointed without payment of any duty on the first entry thereof, subject nevertheless to the rules, regulations, restrictions and conditions hereinafter contained.

75. All goods so warehoused shall be stowed in such parts or divisions of the warehouse and in such manner as the collector as aforesaid shall direct; and the warehouse shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such officers, and under such rules and regulations as the collector shall direct, and all such goods shall, after being landed upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, be carried and shipped under such rules and regulations as the collector of the port shall direct.

76. Upon the entry of any goods to be warehoused, the importer of such goods, instead of paying, or otherwise securing the duties payable thereon, shall give bond, (in form prescribed by the Governor in Council), with two sureties, to be approved of by the collector of the port, in treble the duties payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the payment of all duties payable upon such goods, or for the exportation thereof, according to the first account taken of such goods upon the landing of the same; and with further conditions that no part thereof shall be taken out of such warehouse until cleared from thence upon due entry and payment of duty, or upon the entry for exportation; and with the further condition that the whole of such goods shall be so cleared from such warehouse and the duties upon any deficiency of the quantity, according to the first account, shall be paid within two years from the day of the first entry thereof; and if, after such bond shall have been given, the goods, or

any part thereof, shall be sold or disposed of, so that the original bonder shall be no longer interested in or have any control over the same, the collector shall direct fresh security to be given by the bond (in the form prescribed by the Governor in Council), with sureties, by the new proprietor or other person having control over such goods, and cancel the bond given by the original bonder of such goods or exonerate him to the extent of the fresh security given.

77. If any goods which have been entered to be warehoused, shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or shall afterwards be relanded, except with the permission of the proper officer, the said goods shall be forfeited.

78. Upon the entry and landing of any goods to be warehoused the proper officer shall take a particular account of the same and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse except upon due entry and under the care of the proper officer, for exportation, or, upon the due entry and payment of duty, for home use; and whenever the whole of the goods warehoused under any entry shall be cleared from the warehouse, or whenever further time shall be granted for any such goods to remain warehoused, an account shall be made out of the quantity upon which duties have been paid, and of the quantity exported, and of the quantity to be then ascertained, of the goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any original package, if any, which may have been abandoned for duties, and if, upon such account, there shall, in either case, appear to be any deficiency of the original quantity the duty payable upon the amount of such deficiency shall then be paid.

79. The collector of the port may, under such regulations as he shall see fit, permit moderate samples to be taken, without entry of goods so warehoused and without payment of duty, except as the same shall eventually become payable as on a deficiency of the original quantity.

80. The unshipping, landing and carrying of all goods, wares and merchandize, and bringing them to the proper place for examination and weighing, putting them into scales, opening, unpacking, repacking, bulking, sorting, lotting, marking and numbering, where such operations respectively are necessary or permitted, and removing to, and placing them

in a proper place of deposit until duly delivered, shall be performed by or at the expense of the importer.

81. If any goods, wares or merchandize shall be removed from any ship, wharf or other place previously to the examination thereof by the proper officer of Customs unless under the care or authority of such officer, or if any goods, wares or merchandize entered to be warehoused, or to be re-warehoused, shall be carried into the warehouse, unless with the authority or under the care of the proper officer, and in such manner, and within such time, and by such means of conveyance as such officer shall direct, such goods, wares and merchandize shall be forfeited.

82. No goods, wares or merchandize, entered to be warehoused, shall be unshipped from any ship or be landed or put on shore on Sundays or holidays, without special permission of the collector; nor shall they be so unshipped, landed or put on shore on any other day except between the hours of eight in the morning and four in the afternoon, or during such other hours as may be appointed by the Minister of Finance and Customs, nor shall any such goods, wares or merchandise be unshipped or landed unless with the authority of the proper officer of Customs; nor shall they be landed except at such wharf or place appointed for the landing of such goods, wares or merchandise; and if any such goods, wares or merchandise shall be unshipped, landed or removed contrary to this section, the same shall be forfeited.

83. If, after any goods, wares or merchandize shall be duly entered and landed to be warehoused though not actually deposited in the warehouse, the importer shall further duly enter the same, or any part thereof, for home use or exportation, the same may be taken out for home use or exportation, as the case may be: Provided, that if any such goods, wares or merchandize shall be delivered, withheld or removed from the proper place of examination, without such entry for home use or for exportation, such goods, wares or merchandize shall be forfeited.

84. The property of and in any one or more parcels of any goods, wares or merchandize warehoused shall be transferable from party to party on a transfer note, signed by the parties, or a written contract of sale, made, executed and delivered by a broker or other person legally authorized for or on behalf of the parties respectively: Provided that a transfer of such goods, wares or merchandize, according to such sale, shall have been entered in the warehouse register or book kept for that purpose by the proper officer of Customs, who is hereby required to enter such

transfer, with the date thereof, upon the application of the owner of such goods, wares or merchandize. Such transfer or sale shall be of whole packages only and the party being the proprietor of such goods, wares or merchandize for the time being, shall be deemed to be the importer thereof for the purposes of this Chapter or any Act of the Legislature relating to the management and collection of the duties of importation.

85. All warehoused goods, wares and merchandize shall be cleared either for home use or exportation at the expiration of two years from the day on which the same were so warehoused, or within such further period and in such cases as the collector shall direct, unless the proprietor of such goods, wares or merchandize shall be desirous of re-warehousing the same, in which case the same shall be examined by the proper officers, and the duties payable on any deficiency or difference between the quantity found to exist on such examination, together with the necessary expenses attendant thereon, shall be paid; and the quantity so found shall be re-warehoused in the name of the then proprietor thereof, in the same manner as on the first importation.

86. If any warehoused goods, wares or merchandize shall not be duly cleared, exported or re-warehoused and the duties ascertained to be payable on the deficiencies, as aforesaid, shall not be paid at the expiration of two years from the previous entry and warehousing thereof, or within such further period as shall be directed as aforesaid, the same, if worth the duty thereon, shall, after three months' notice to the proprietor, if known, with all convenient speed, be sold either for home use or exportation, with or without the consent of the owner or proprietor, and the proceeds thereof shall be applied to the payment of the duties, warehouse rent and charges, and the surplus, if any, shall be paid to the proprietor of such goods, wares or merchandize, if known; but if such proprietor cannot be found, such surplus shall be carried to the Colony's account, to abide the claim of such proprietor on his appearing and making good his claim thereto; and if such goods, wares or merchandize shall not be worth the duty, then the same, after such three months' notice aforesaid, may be exported or destroyed, with or without the concurrence of the proprietor thereof, or of the proprietor of the warehouse in which the same was so warehoused, as the collector shall see fit; and the duties payable upon any deficiency thereof shall be forthwith paid by the proprietor of the goods.

87. With the sanction of the collector and after such notice given by the respective importers or proprietors, and at such times and under such regulations and restrictions as the said collector shall from time to time require and direct, it shall be lawful, in the warehouse, to sort, separ-

ate, pack and repack any goods, wares or merchandize, and to make such alterations therein as may be necessary for the preservation, sale, shipment or disposal thereof: Provided that such goods, wares or merchandize be repacked in the packages in which they were imported, or in such other packages as the said collector shall permit; and after such goods, wares or merchandize have been so separated and re-packed in proper or approved packages, the collector may, at the request of the importer or proprietor of such goods, wares or merchandize, cause or permit any refuse, damaged or surplus goods, wares or merchandize, occasioned by such separation, or re-packing, which may not be worth the duty, to be destroyed, and may remit the duty payable thereon; and also permit any packages of sugar and molasses or other goods, wares or merchandize, in casks, to be taken out of the warehouse without payment of duty for the purpose of being repaired or trimmed, or such other purpose as to the collector may appear expedient, and in such quantities and under such regulations and restrictions, and with such security, by bond for the return thereof, or the payment of the duties payable thereon as the collector may direct or require: Provided that the goods, wares or merchandize taken out of the warehouse for this purpose shall not be deemed goods, wares or merchandize duly cleared and delivered.

88. If the proprietor of any warehoused goods, or his agent, shall fraudulently conceal in, or remove from the warehouse, or abstract from any package, or transfer from one package to another or otherwise, for the purpose of illegal removal or concealment, any warehoused goods, such goods shall be forfeited.

89. No compensation shall be made by such officers to the importer, proprietor or consignee of any goods, wares or merchandize by reason of any damage occasioned thereto in the warehouse except by their wilful act or default.

90. Any goods, wares or merchandize, warehoused at any port in this Colony, may be removed by sea or inland carriage to any other port of entry therein, and be re-warehoused or entered for duty at such port, or, with the permission of the proper officer of Customs, removed from any warehouse in any port to any other warehouse in the same port, under such regulations as may be directed by the Minister of Finance and Customs, and with security, by bond (in the form prescribed by the Governor in Council) in treble the amount of duties of importation, on the delivery to the proper officer by the person requiring such removal, of an entry stating the particulars of the goods, wares and merchandize required to

be removed, the name of the port, or of the warehouse, of the same port, to which the same are intended to be removed, and with such other information, and in such manner and form, as the Minister of Finance and Customs may direct or require.

91. On delivery of any goods, wares or merchandize, for removal, an account containing the particulars thereof shall be transmitted by the proper officers of the port of removal to the proper officers of the port of destination, and the person requiring the removal shall enter into bond (in the form prescribed by the Governor in Council) with two sureties in treble the amount of duties payable on such goods, wares or merchandize, for the due arrival and re-warehousing or entry for duty thereof at the port of destination within such time as the collector may direct; and such bond shall not be discharged unless such goods, wares or merchandize shall have been produced to the proper officer, and duly re-warehoused or entered for duty at the port of destination within the time allowed for such removal, nor until the full duties payable on any deficiency of such goods, wares or merchandize, not so accounted for, shall have been paid.

92. Upon the arrival of such goods, wares and merchandize at the port or place of destination, the same shall be entered for duty or warehoused in the same manner, and under and subject to the same laws, rules and regulations, as far as the same can be made applicable, as are required on the entry for duty or warehousing goods, wares and merchandize on the first importation thereof.

93. Goods warehoused shall be liable for freight as if on shipboard.

94. The Minister of Finance and Customs may, under such regulations as may be made by the Governor in Council, remit the duties on wines and spirits purchased and taken out of bond in original packages by officers of His Majesty's Navy for use on board His Majesty's ships.

95. It shall not be lawful for any importer of dried fish to warehouse the same in any of the ports of this Colony without the payment of the duty of one dollar and fifty cents on every quintal so warehoused, and the provisions of any Act of this Colony with regard to the warehousing of goods on the first entry thereof, or to the allowance of drawbacks upon exportation shall not in either case apply or be construed to apply to such fish.

96. It shall be lawful for the owners of a steamer premises which is also a sufferance warehouse, situate in the Port of St. John's, upon or over

which goods are discharged from any ship arriving from any foreign port, to charge wharfage upon said goods at current rates, when the port of St. John's is their final destination under the contract of carriage.

ENTRY OUTWARDS.

97. Except as provided by section 113, the master of every vessel bound outwards from any port in this Colony to any port or place out of this Colony, or on any voyage to any place within or without the limits of this Colony, or coastwise, shall deliver to the collector or other proper officer a report in writing outwards under his hand, of the destination of such vessel, stating her name, country, and tonnage, the port of registry, the name of the master, the country of the owners, the number of the crew and the number, names and additions of passengers on board or about to embark on such vessel; and before any goods or ballast are taken on board such vessel the master shall show that all goods therein imported, except such as were reported for exportation in the same vessel, have been duly entered and landed; except that the proper officer may issue a stiffening order that such goods or ballast as are specified therein may be laden before the former cargo is discharged; and before such vessel departs the master shall bring and deliver to the collector or other proper officer a content, in writing under his hand, of the goods laden and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far as any of such particulars can be known to him.

(1) The report as to passengers shall be in the form of Schedule B. to this Chapter.

(2) For every default in furnishing the said report the master shall be liable to a penalty not exceeding two hundred Dollars.

98. The master of every vessel, whether in ballast or laden shall, before departure, come before the collector, or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as are demanded of him by such officer, and if required, shall make his answers or any of them part of the declaration made under his hand; and thereupon the collector or proper officer, if such vessel is laden, shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage with merchandize or a certificate of her clearance in ballast, as the case may be; and if there is merchandize on board, and the vessel is bound to any port in this Colony, such clearance shall state whether any and which of the goods are the produce of this Colony, and if the goods are such as are liable to duties,

whether the duties thereon have been paid; and in such case the master shall hand the clearance to the collector at the next port in this Colony at which he arrives, immediately on his arrival

99. Upon the master of a vessel coming before a collector or other proper officer for the purpose of obtaining a certificate of clearance, as provided in the preceding section and the collector or other officer aforesaid being satisfied from the declaration of the master that the cargo, or any part thereof, consists of goods the exportation of which is by any law of this Colony prohibited, or when it appears from the entries delivered to the collector or other officer, under section 102 of this Chapter, that the cargo on board any vessel, or any part thereof, consists of goods the exportation of which is prohibited, in every such case the collector or other officer aforesaid shall refuse to grant to the master of such vessel any such certificate of clearance.

100. If any vessel departs from any port or place in this Colony without a clearance, or if the master delivers a false content, or does not truly answer the questions demanded of him, or if any goods be laden on board any such vessel before the master shall show that all goods therein imported (except such as were reported for exportation in the same vessel) have been duly entered and landed, unless a stiffening order has been given, or if, having received a clearance, such vessel adds to her cargo, or performs any work without having mentioned in the report outwards the intention so to do, the master shall incur a penalty of four hundred dollars; and the vessel shall be detained in any port in this Colony until the said penalty is paid; and unless payment is made within twenty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in detaining, keeping and selling such vessel.

101. The Governor in Council may, by regulation, dispense with any of the requirements of the two sections next preceding which he deems it inexpedient to enforce, with regard to vessels engaged in the coasting trade.

102. Before a clearance is granted to any vessel bound to a port or place out of this Colony, the owners, shippers, or consignors of the cargo on board such vessel shall deliver to the collector or other proper officer of Customs, entries of such parts of the cargo as are shipped by them respectively, and shall verify the same by oath; and such entries shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of article, and whether the said goods are of Newfoundland or foreign production or manufac-

ture; and such oath shall state that such entry contains a full, just and true account of all articles laden on board of such vessel by such owners, shippers, or consignors respectively; and that the values of such articles are truly stated according to their actual cost, or the value which they truly bear at the port and time of exportation; and in case the goods so shipped or any part thereof are or is liable by law to any export duty, the amount of such duty shall be stated in such entry; and no such entry shall be valid, and no clearance shall be granted to such vessel until such duty is paid to the collector or other proper officer of Customs.

103. All goods or merchandize exported shall be reported and entered outwards at the nearest Customs house, and a certified copy of the export entry shall be attached to and accompany the way bill of goods, or if exported from any place where no Custom house is established, they shall be reported either in like manner at such nearest Custom house, or at the port of exit, from this Colony, according to such regulations as are established by the Governor in Council from time to time.

104. Upon the entry outwards of any goods to be exported from a Customs warehouse, the person entering the same for such purpose shall by and upon the making of such entry, whether so expressed in such entry or not, become thereby bound to the actual exportation thereof, to the actual landing or delivering at the place for which they are entered outwards, and to the accounting for the same to the satisfaction of the collector or other proper officer of Customs, and to the production within a period to be named in such entry of such proof or certificate that such goods have been so exported, landed or delivered, or otherwise lawfully disposed of as the case may be, as shall be required by any regulation of the Governor in Council, or by the collector or other proper officer of Customs; and shall by and upon the making of such entry become thereby holden to the payment of a sum equal to double the duties of importation on such goods in case of the non-performance of the obligation to so export, land or deliver, and to produce such proof thereof as herein above provided; and if any such goods are not exported, or otherwise lawfully disposed of, or are fraudulently relanded in or brought into this Colony in violation of the Customs law and regulations, they shall be seized and forfeited together with any vessel or vehicle from or in which they have been so landed or brought into this Colony, or in which they may be found, and the person entering the same for exportation shall, whether such goods were seized or not, thereupon be held to the payment of such double duty in addition to any other penalties or forfeitures to which he may be liable under this Chapter, which payment may be thereupon enforced.

105. If within the period appointed in the entry for exportation, as provided for in the next preceding section of this Chapter, there is produced to the collector or other proper officer of Customs the written certificate of some principal officer of Customs or of Colonial Revenue at the place to which the goods were exported or, if such place is in a foreign country, of any proper officer of Customs therein or of any British or foreign consul or vice-consul resident there, showing that the goods named in the said entry were actually landed and left at some place, naming it, out of this Colony, as provided for in the said entry, or if it is proved to the satisfaction of the collector or other proper officer of Customs that the said goods were after leaving this Colony, lost and destroyed, the obligation of the person making such export entry to the payment of the double duty on such goods shall terminate, and he shall thereby be released from such obligation.

106. The Governor in Council may, by regulations from time to time made in that behalf, require such further information with regard to the description, quantity, quality and value of goods exported from this Colony, or removed from one port to another in this Colony, or in transit through this Colony, to be given to the proper officer of the Customs, in the report and entry of such goods outwards, or otherwise as he deems requisite for statistical or other purposes.

107. No entry outwards or any shipping warrant or warrant for taking goods from warehouse for exportation shall be deemed valid, unless the particulars of the goods and packages correspond with the particulars in the entry inwards, nor unless they are properly described in the entry outwards by the character, denomination and circumstances under which they were originally charged with duty; and any goods laden or taken out of warehouse by an entry outwards or shipping warrant not so corresponding or not properly describing them, shall be seized and forfeited.

108. If the owner of any goods is resident more than ten miles from the office of the collector at the port of shipment, he may appoint an agent to make his entry outwards and clear and ship his goods; but the name of the agent and the residence of the owner shall be subjoined to the name in the entry and shipping warrant; and the agent shall make the declaration on the entry which is required of the owner, and shall answer the questions that are put to him; and any trading corporation or company may appoint an agent for the like purpose.

109. The owner, shipper or consignor of any goods who refuses or neglects to make report and entry of the articles shipped or laden by them respectively, as required by section 102, or by the next preceding

section, shall incur a penalty not exceeding two hundred dollars for each such offence.

110. The master of every vessel engaged in the fisheries of this Colony, not having on board any goods, wares or merchandize subject to duty, shall, before departure from the port of lading deliver to the proper officer of Customs an entry outward, under his hand, of such ship, stating the name, country and tonnage of the ship, the name of the master, and number of the crew; and thereupon the proper officer aforesaid may give to the master a certificate under his hand, that such vessel hath been specially cleared out for the fisheries, and such certificate shall be in force until the thirty-first day of December next after the date thereof, and such vessel shall be exempt from all obligations to clear at any Custom house upon departure from any port in the said Colony during the continuance of the season for which such certificate may have been granted; and if any vessel shall depart without such certificate the master shall forfeit the sum of two hundred dollars: Provided that in case such vessel has on board, during the continuance of the season for which such certificate may have been granted, any goods, wares or merchandize subject to duty, such vessel shall be subject and liable to the same rules, restrictions and regulations as vessels bound to ports beyond the seas are subject or liable to, or to such other regulations as to the carrying of goods coastwise, as the Governor in Council may from time to time prescribe.

GOODS LANDED AT LABRADOR.

111. All goods landed at Labrador shall be subject to the duties imposed upon the like goods imported into any part of this Colony and to the same laws, rules and regulations as though they were on board the importing ship on arrival, before such landing; and unless the owners or their agents shall duly account for all such goods to any other officer of the revenue appointed to collect duties at Labrador, and to his satisfaction pass entries for the same, and pay the duties thereon, such goods shall be forfeited; and any such officer may, at any time between sunrise and sunset, enter into any building or place of any person dealing in or having in his possession dutiable goods, and take an account thereof; and if such owner or agent shall refuse to open the doors, or shall in anywise obstruct such officer, he shall forfeit the sum of four hundred dollars: and such officer may, if he think fit at any time so to do take with him a writ of assistance, and proceed therewith by day or night in manner by law in that behalf directed in similar cases.

112. Every importer of any goods at Labrador shall, within two

days after importation, make due entry of such goods and pay the duties thereon, and if required by the collector land the said goods; and in default of such entry and payment of duties the collector may seize and sell the said goods, or so much as may be necessary for the payment of all duties on such importation, paying over the surplus of the proceeds, after the payment of such duties and expenses of seizure and sale, to the proprietor of such goods or to any person authorized to receive the same.

113. Entry outwards of any vessel bound from the coasts of Labrador to any place out of this Colony, shall be made according to sections 97 and 98 of this Chapter: Provided that should the master of any vessel by reason of the absence of the collector or by reason of his inability to reach the collector, be prevented from clearing his vessel in conformity with the provisions of the above-quoted sections of this Chapter, the owners, shippers or consignors of the cargo on board such vessel shall deliver to the collector at St. John's at the earliest opportunity, an entry, in the form required by section 102 of this Chapter, of such parts of the cargo as have been shipped by them respectively, and in case of such persons neglecting or refusing to deliver such entry to the collector at St. John's, they shall incur a penalty of two hundred dollars.

114. For the purpose of the collection of the revenue at Labrador, the office of collector, where there is no office on shore, shall be held to be in the ship or vessel in which such collector shall be conveyed.

115. Goods seized as forfeited at Labrador may be sold by the collector under the provisions of the laws relating to the revenue, at any port or place such collector may deem expedient.

116. The Governor in Council may, by instructions to be given to the collector in that behalf, authorize the importation and entry of, and payment of duties upon, spirits imported into Labrador in casks containing less than thirty gallons.

117. Every person who shall be concerned in landing or unshipping at Labrador any goods, wares or merchandize liable to duty, the duty on which has not been paid or secured, shall forfeit and pay a penalty of four hundred dollars.

118. In any proceeding for any penalty or forfeiture, the Court, Judge or Justice of the Peace may compel the appearance of any witness by warrant, either in the first instance, or upon a summons to such witness being disobeyed.

PROTECTION OF THE REVENUE.

119. If any vessel is found hovering in British waters, within one league of the coasts or shores of this Colony, any officer of Customs may go on board and enter into such vessel, and stay on board such vessel while she remains within the limits of this Colony or within one league thereof; and if any such vessel is bound elsewhere, and so continues hovering for the space of twenty-four hours after the master has been by such officer of Customs, required to depart, such officer may bring the vessel into port, and examine her cargo, and if any goods, the importation of which into this Colony is prohibited are on board, such vessel, with her apparel, rigging, tackle, furniture, stores and cargo, shall be seized and forfeited; and if the master or person in charge refuses to comply with the lawful directions of such officer, or does not truly answer such questions as are put to him, respecting such ship or vessel or her cargo, he shall incur a penalty of four hundred dollars.

120. The master of any vessel shall, if required, produce his manifest to such revenue officer, and also deliver to him a copy thereof, and such officer shall note on the original manifest, the date of production, and return the same to the master; and if any such master shall refuse to produce his manifest, or to deliver a copy thereof as aforesaid he shall forfeit the sum of two hundred dollars.

121. If any goods are imported into this Colony at any other place than at some port or place of entry at which a Custom house is then lawfully established, or are carried past such Custom house, or removed from the place appointed for the examination of such goods by the collector or other officer of the Customs at such port or place, before the same have been examined by the proper officer and all duties thereon paid and a permit given accordingly, such goods shall be seized and forfeited; and every person concerned in such unlawful importation or removal, shall incur a penalty equal to the value of such goods.

122. If any vessel enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof except those of an innocent owner, shall be seized and forfeited, and the vessel, if of less value than eight hundred dollars, may be seized, and the master or person in charge thereof shall incur a penalty not exceeding four hundred dollars, and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days, such vessel, may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel.

123. If any vessel worth more than eight hundred dollars, enters any place other than a port of entry, unless from stress of weather or other unavoidable cause, any dutiable goods on board thereof except those of any innocent owner, shall be seized and forfeited, and the vessel may be seized, and the master or person in charge thereof shall incur a penalty of eight hundred dollars; and the vessel may be detained until such penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and in the safe keeping and sale of such vessel.

124. If any goods are unlawfully imported on the person or as luggage or among the luggage of any one arriving in this Colony, such goods shall be seized and forfeited.

125. No entry, and no warrant for the landing of any goods, or for the taking of any goods, out of any warehouse, as herein provided, shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant correspond with the particulars of the goods and packages purporting to be the same, in the report of the vessel, or other report, where any is required, by which the importation or entry thereof is authorized, nor unless the goods have been properly described in such entry by the denominations and with the characters and circumstances according to which such goods are charged with duty or may be imported; and any goods taken or delivered out of any vessel or out of any warehouse, or conveyed into this Colony beyond the port or place of entry, by virtue of any entry or warrant not corresponding with the facts in all such respects or not properly describing the goods, shall be deemed to be goods, landed or taken without due entry thereof, and shall be seized and forfeited; and the collector or proper officer after the entry of any goods, may, on suspicion of fraud, open and examine any package of such goods, in the presence of two or more credible witnesses, and if, upon examination the same are found to agree with the entries, they shall be repacked by such collector or proper officer, at the public cost, but otherwise they shall be seized and forfeited.

126. Any package of which the importer or his agent declares the contents to be unknown to him, may be opened and examined by the collector or other proper officer, in the presence of such importer or agent, and at the expense of the importer, who shall also bear the expense of repacking and all cost of carriage of the same.

127. The collector or other proper officer may cause at least one

package in every invoice or entry and at least one package in ten if there are more than ten in any invoice or entry, and so many more as he deems it expedient to examine for the protection of the revenue, to be sent to the examining warehouse, and there to be opened, examined and appraised—the package so to be opened being designated by the collector or other proper officer.

128. If any goods are found in any package which are not mentioned in the invoice or entry, such goods shall be seized and forfeited, and if such goods are not found, but the value thereof has been ascertained, the owner, importer or other person who has made entry or caused to be made entry of such package, and who neglects on receipt of such package to immediately make report and entry of such inclosure, shall forfeit the value thereof.

129. If any goods are found which do not correspond with the goods described in the invoice or entry, or if the description in the invoice or entry has been made for the purpose of avoiding payment of the duty or of any part of the duty on such goods, or if in any entry any goods have been undervalued for such purpose as aforesaid, such goods shall be seized and forfeited.

130. All the packages mentioned in any one entry, although some of such packages have been delivered to the importer, or some one on his behalf, shall be subject to the control of the Customs authorities of the port at which they are entered, until such of the packages as have been sent to the examining warehouse for examination have been duly opened and the contents examined and approved; and the packages so delivered shall not be opened or unpacked before the goods contained in the package or packages sent to the examining warehouse have been examined and passed as aforesaid, under a penalty equal to the value of the contents of the packages so delivered or the seizure and forfeiture of the goods: Provided always, that this prohibition shall not extend beyond a period of three days after the goods designated for examination have been actually delivered at the examining warehouse.

131. Any package delivered without examination, or the goods, if lawfully unpacked, shall, if required by the collector of Customs of the port at which they are entered, be returned to the Customs or examining warehouse within ten days of delivery, under a penalty equal to the value thereof; and the collector shall use due diligence in causing a proper examination thereof to be made, and may, if he sees no objection, permit the remaining packages to be opened and unpacked as soon as the con-

tents of those sent to the Customs or examining warehouse has been examined and approved.

132. The collector may require from the importer (or from his agent or from the consignor or his agent) of any goods charged with duty, or exempt from duty or conditionally exempt therefrom, before admitting the said goods to entry, such further proof as he deems necessary, by oath or declaration, production of invoice or invoices or bills of lading or otherwise, that such goods are properly described and rated for duty, or come properly within the meaning of such exemptions.

133. When any person has occasion to remove from any port of entry to any other port or place any goods duly entered, and on which the duties imposed by law have been paid, the collector or principal officer of the Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed and the packages in which such goods are contained, with their marks and numbers, shall give a permit or certificate in writing signed by him, bearing date of the day it is made, and containing the like particulars, and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed.

134. The following goods shall not be imported into this Colony under the penalty of one hundred dollars, and, if imported, shall be forfeited and forthwith destroyed, together with the parcel or package of goods in which the same may be found, that is to say: Books, drawings, pictures, figures, models, paintings and printings of an immoral or indecent character, or base or counterfeit coin.

135. The owner or agent of all steamships, regularly employed in the conveyance of passengers inwards or otherwise, shall provide a suitable store or place, to be approved by the Minister of Finance and Customs, for the deposit of passengers' luggage or other goods that may be landed from such steamship for examination by Customs officers.

EXCISE.

136. The owner or manager of every establishment in this Colony where spirituous or malt liquors are made, or his authorized agent, shall on the first Monday in every month render to the collector of Customs an account of the spirituous or malt liquors made at the establishment since

the last preceding account and shall make and subscribe, before the collector, the following oath:—

I, A. B., do swear that the account, which I have now rendered is a correct account of all liquors made at the establishment of since the day of and that no liquors, to my belief have been removed from the establishment without being gauged and the strength ascertained according to law, or without a permit from the collector of Customs for the district. So help me God.

Sworn before me this day of A.D., 19 .
(Signed).

137. Entry shall at the same time be made of the liquors and duties thereon paid or the liquors warehoused. If the duties be paid the collector shall give a removal permit in the following form:—

Permit A.B., to receive from the stock of the following liquors made by him, that is to say:—

Given under my hand at , this day of
19 .

Signed C. D., Collector, (*or as the case may be*).

138. For investigating the correctness of the account and ascertaining the true quantity of liquors made at any establishment, the revenue officers shall have the same power as by law conferred with respect to dutiable goods imported.

139. If any spirituous or malt liquors shall be found in any establishment after the day on which the same ought to have been reported and entered, the same shall be forfeited.

140. If the duty on entry for home use be not paid within twenty-four hours thereafter, the collector or other proper officer, shall take the liquor into custody, and shall within fifteen days, sell at public auction, giving ten days public notice thereof, so much of the liquor as shall suffice to pay the duties on the whole, with the charges of storage and sale, and shall pay the surplus moneys and deliver the remaining liquors to the person entitled thereto.

141. If any spirituous or malt liquors shall be found elsewhere than in possession of the maker, without the duties thereon having been paid,

or without the removal permit where required, such liquors shall be forfeited, and every person in possession thereof shall forfeit two hundred dollars. The duty shall be deemed unpaid until the contrary be shown.

142. The Minister of Finance and Customs shall, if he sees fit, employ officers for attending the manufactories or distilleries, and the officers under the direction of the collector shall be employed in superintending the progress of manufacture or distillation, and shall report the same at least twice a week to the collector.

143. The officers shall be sworn by the collector faithfully to attend the establishment to which they may be appointed, and to report to the collector to the best of their belief, all quantities of spirituous and malt liquors made thereat, and to use their utmost exertions for preventing the evasion of the revenue laws.

144. The officers shall be entitled to receive such compensation as may be determined by the Governor in Council.

145. If any officer shall absent himself from the establishment to which he may have been appointed while such establishment is at work, or shall in any way connive at an evasion of the revenue laws, he shall forthwith be dismissed from office and shall forfeit two hundred dollars.

146. The Minister of Finance and Customs may make regulations as may be necessary respecting the attendance of the officers, and the seasons of the year, and the hours, at which distilleries and manufactories shall be allowed to work, and for checking frauds therein, for the supervision of the buildings in which the business is conducted when not in operation as well as when at work; and for keeping closed such buildings when the manufactory or distillery may not be in operation, and for the expense incident thereto; and for searching for concealed pipes and other secret means by which fraud may be perpetrated and with that object for opening doors or windows, or otherwise entering buildings, and taking down or removing partitions to search which it may be proper to take down or remove for that purpose and also for making the owners or occupiers of the building, when fraud shall be detected, liable to the expense incident thereto, and generally for insuring a faithful account of the duties payable, and for carrying into effect the provisions of this Chapter in relation to the manufacture and distillation of liquors; and may require to be entered in a book to be kept for that purpose by every distiller, the number of gallons of spirituous or malt liquors distilled by him, and also the number of gallons sold or removed for consumption or sale, and the proof thereof; which book shall be always open in the day time, Sun-

days excepted, for the inspection of any officer of Customs, who may take any minutes, memoranda or transcript thereof; and such distiller shall at the end of every month render a general account in writing, taken from his books, of the number of gallons of spirituous or malt liquors distilled and sold, or removed for consumption or sale, and the proof thereof, for the period of a month, or fractional part of a month preceding, as may be required; and such distiller shall also keep a book or books in a form to be prescribed by the Minister of Finance and Customs, and to be open at all seasonable hours, for inspection by an officer of Customs, wherein shall be entered, from day to day, the quantities of grain or other vegetable productions, or other substances put into the mash-tub by him, his agent or superintendent for the purpose of producing spirits, malt or other liquors, and shall verify or cause to be verified, the said entries, reports, books and general accounts, by oath or affirmation, to be taken and subscribed before the collector, which oath or affirmation shall be in the substance as follows:—

I, A. B., do swear (*or affirm*) that the foregoing entries were made by me on the respective days specified, and that they state, according to the best of my knowledge and belief, the whole quantity of liquors distilled and sold, or removed for consumption or sale, at the distillery owned by _____, at _____, in the district of _____, amounting to _____ gallons, according to proof, prescribed by the law of this Colony. So help me God.

(Signed) A. B.
Sworn before me, this _____ day of _____, A.D. 19 ____.

(Signed), C. D., Collector, (*or as the case may be*).

And the owner, agent or superintendent of any distillery aforesaid shall, in case the original entries required to be made in his books shall not have been made by himself, subjoin to the oath or affirmation aforesaid, the following oath or affirmation:

“I do swear (*or affirm*) that to the best of my knowledge and belief, the foregoing entries are just and true, and that I have taken all the means in my power to make them so. So help me God.

(Signed) A. B.
Sworn before me, this _____ day of _____, A.D. 19 ____.

(Signed), C. D., Collector, (*or as the case may be*).

147. Manufacturers and distillers shall observe the regulations made under the preceding section and give free access to the officers at all

times, by day or by night, when required, and any manufacturer or distiller who shall not obey such regulations or shall impede the officer in the execution of his duty, shall for every such offence forfeit the sum of two hundred dollars.

POWERS AND DUTIES OF OFFICERS.

148. Every officer and person who is employed under the authority of any Act relating to the collection of the revenue, or under the direction of any officer of Customs, shall be deemed and taken to be duly employed for the prevention of smuggling and for the enforcement of this Chapter in every respect, whether such officer or person is or is not the holder of a writ of assistance; and in any suit or information, the averment that such person was so duly employed shall be *prima facie* proof thereof.

149. Every such officer or person as mentioned in the next preceding section, and every sheriff, justice of the peace, or person residing more than ten miles from the residence of any officer of Customs, and thereunto authorized by any collector of Customs or justice of the peace, may, upon information, or upon reasonable grounds of suspicion, detain, open and examine any package suspected to contain prohibited property or smuggled goods, or goods respecting which there has been any violation of any of the requirements of this Chapter, and may go on board of and enter into any vessel or vehicle of any description whatsoever, and may stop and detain the same, whether arriving from places beyond or within the limits of this Colony, and may rummage and search all parts thereof for such goods; and if any such goods are found in any such vessel or vehicle, the officer or person so employed may seize and secure such vessel or vehicle, together with all the sails, rigging, tackle, apparel, horses, harness, and all other appurtenances which at the time of such seizure belonged to or are attached to such vessel or vehicle with all goods and other things laden therein or thereon, and the same shall be seized and forfeited.

150. Any officer of Customs, or person by him authorized, may search any person whom he may have reasonable cause to suspect of having uncustomed or prohibited goods secreted about his person.

- (1) Whoever obstructs or offers resistance to such search or assists in so doing shall incur a penalty of one hundred dollars.
- (2) Any person suspected as aforesaid may be questioned by such officer, whether he has any such goods about his person, and

if he denies having any such goods, or does not produce such as he may have, and any such goods are found upon him on being searched, the goods shall be forfeited, and he shall forfeit double the value thereof.

(3) Before any person can be searched as aforesaid, such person may require the officer to take him before some Justice of the Peace, or before the collector or chief officer of Customs at the place, who shall, if he sees no reasonable cause for search, discharge such person; but, if otherwise, he shall direct such person to be searched; and if a female, she shall not be searched by any but a female; and any such Magistrate, Justice of the Peace or collector of the Customs, may, if there is no female appointed for such purpose, employ and authorize a suitable female person to act in any particular case or cases.

(4) Any officer required to take any person before a Justice or chief officer as aforesaid, shall do so with all reasonable despatch. If any officer requires any person to be searched, without reasonable cause for supposing that he has uncustomed or prohibited goods about his person, such officer shall forfeit and pay a sum not exceeding forty dollars.

151. The Postmaster General or any Postmaster by him to that effect duly authorized, may detain any post letter, or other article of mail matter, suspected to contain any contraband goods, wares, or merchandize, or any goods, wares or merchandize on the importation of which into this Colony any duties of Customs are by law payable, and suspected to have been enclosed therein, and sent by post to evade payment of such duties, and forward the same to the nearest collector, who, in the presence of the person to whom the same may be addressed, or in his absence, in case of non-attendance after due notice in writing from such collector, requiring his attendance, left at or forwarded by the post, according to the address on the letter or other article of mail matter, may open and examine the same; and if, upon any such examination, any contraband goods, wares or merchandize, or any goods, wares, or merchandize on the importation of which into this Colony any duties of Customs are payable, are discovered, such collector may detain the letter or other article of mail matter and its contents for the purpose of prosecution or forfeiture; and if no contraband goods, wares, or merchandize or dutiable goods, wares or merchandize, are discovered in such letter or other article of mail matter, it shall, if the party to whom it is addressed be

present, be handed over to him on his paying the postage (if any) charged thereon, or if he is not present, it shall be returned to the post office and be forwarded to the place of address.

152. Any officer of Customs, having first made oath before a Justice of the Peace that he has reasonable cause to suspect that goods liable to forfeiture are in any particular building or in any yard or other place, open or enclosed, may, with such assistance as is necessary, enter therein at any time between six o'clock in the morning and six o'clock in the evening; but if the doors be fastened, admission shall be first demanded, and the purpose for which entry is required declared, when, if admission is not given, he may forcibly enter, and after in either case entry is made the officer may search the premises and seize all goods which he has reasonable grounds to believe are subject to forfeiture; and such acts may be done by an officer of Customs without oath or the assistance of a Justice of the Peace, in places where no Justice of the Peace resides, or where no Justice of the Peace can be found within two miles at the time of search.

153. (1) Officers of Customs may board any vessel at any time or place and stay on board until all the goods intended to be unladen have been delivered; and they shall have free access to every part of the vessel, with power to fasten down hatchways, the forecastle excepted, and to mark and secure any goods on board; and if any place, box or chest is locked, and the keys are withheld, the officer may open the same.

(2) If any goods are found concealed on board they shall be seized and forfeited, and if any mark, lock or seal upon any goods on board is wilfully altered, opened or broken before the delivery of the goods, or if any goods are secretly conveyed away, or if hatchways fastened down by the officer are opened by the master, or with his assent, the master shall incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid, or satisfactory security is given for the payment thereof; and unless payment is made within thirty days such vessel may, after the expiration of such delay, be sold to pay such penalty and any expenses incurred in detaining, keeping and selling the same.

154. If any master or owner or other person for the time being in charge of any vessel, or in charge of any cargo deposited in any warehouse

in which any tidewaiter or other Customs officer lawfully is, shall refuse to supply for such tidewaiter or other officer suitable board, maintenance and accommodation, he shall incur a penalty not exceeding one hundred dollars, and in default of payment shall be liable to imprisonment for a period not exceeding one month, or both fine and imprisonment, and to satisfy such penalty with costs of procedure such vessel or cargo may be detained or seized, and, after thirty days from conviction, sold to satisfy the same; the balance, if any, after deducting such penalty and costs, may be returned to the owner or master, or person in charge as aforesaid.

155. Any Judge of the Supreme Court of this Colony shall grant a writ of assistance upon application made to him for the purpose by His Majesty's Attorney General of this Colony or by the Minister of Finance and Customs, and such writ shall remain in force so long as any person named therein remains an officer of the Customs, whether in the same capacity or not.

156. Every writ of assistance granted before the coming into force of this Chapter, under the authority of Acts relating to the Customs now repealed, shall remain in force, notwithstanding such repeal, in the same manner as if such Acts had not been repealed.

157. Under the authority of a writ of assistance any officer of the Customs, or any person employed for that purpose, with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, may enter at any time in the day or night, into any building or other place within the jurisdiction of the Court from which such writ issues and may search for and seize and secure any goods which he has reasonable grounds to believe are liable to forfeiture under this Chapter and in case of necessity may break open any doors or any chests or other packages for that purpose.

158. Any officer or person in the discharge of the duty of seizing goods, vessels, vehicles or property liable to forfeiture under this Chapter, may call in such lawful aid and assistance in the King's name as is necessary for securing and protecting such seized goods, vessels, vehicles or property; and if no such prohibited, forfeited or smuggled goods are found, such officer or person, having had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found, shall not be liable to any prosecution, action or other legal proceeding on account of any such search, detention or stoppage.

PROTECTION OF OFFICERS.

159. (1) No action, suit or proceeding shall be commenced, and

no writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling for anything done in the exercise of his office, or against any person in possession of goods under authority of any officer of the Customs, so long as any proceeding for the enforcement of this Chapter in relation to the matter forming the ground of such action, suit, proceeding, writ or process is pending, nor until one month after notice in writing has been delivered to him, or left at his usual place of abode, by the attorney or agent of the person who intends to sue out such writ or process.

- (2) In such notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as is contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he proves on the trial that such notice was given; and in default of such proof, the defendant shall receive a verdict or judgment and costs.

160. Any such officer or person against whom any action, suit or proceeding is brought on account of anything done in the exercise of his office, may, within one month after such notice, tender amends to the person complaining, or his agent, and plead such tender in bar to the action, together with other pleas; and if the Court or jury as the case may be, find the amends sufficient, judgment or verdict shall be given for the defendant; and in such case, or if the plaintiff becomes non-suited, or discontinues his action, or judgment is given for the defendant upon demurrer or otherwise, such defendant shall be entitled to full costs of defence.

- (2) The defendant, by leave of the Court in which the action is brought, may at any time before issue joined pay money into Court as in other actions.

161. Every such action, suit or proceeding shall be brought within three months after the cause thereof; and the defendant may plead the general issue, and give the special matter in evidence.

162. If in any such action, suit or proceeding, the court or judge before whom the action is tried certifies that the defendant in such action

acted upon probable cause, the plaintiff in such action shall not be entitled to more than twenty cents damages nor to any costs of suit, nor in case of a seizure shall the person who made the seizure be liable to any civil or criminal suit or proceeding on account thereof.

- (2) No action, suit or proceeding shall be commenced against the Crown or against any officer of Customs or person employed for the prevention of smuggling, or against any person in possession of goods under authority of an officer of Customs, for the recovery of the thing seized, until a decision has been first given either by the Minister of Finance and Customs or by a court of competent jurisdiction in relation to the condemnation of the thing seized.

- (3) Every such action, suit or proceeding shall be brought within three months after such decision has been given.

163. The report, inwards or outwards, required by this Chapter may, in the case of any steam vessel carrying a purser, be made by such purser with the like effect in all respects and subject to the like penalty on the purser and on the vessel, and the like forfeiture of the goods in case of any untrue report, as if the report was made by the master; and the word "master" for the purposes of this section, shall be construed as including the purser of any steam vessel; but nothing herein contained shall preclude the collector or other proper officer of Customs from calling upon the master of any steam vessel to answer all such questions concerning the vessel, passengers, cargo and crew, as might be lawfully demanded of him if the report had been made by him, or to exempt the master or the vessel from the penalty imposed by this Chapter for failure to answer any such question, or for answering untruly, or to prevent the master from making such report if he sees fit so to do.

164. Whenever on the levying of any duty, or for any other purpose, it becomes necessary to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel, such importation shall be deemed to have been completed from the time the vessel in which such goods were imported came within the limits of the port at which they ought to be reported; and the exportation of any goods shall be deemed to have been commenced from the time of the legal shipment of such goods for exportation, after due entry outwards, in any vessel, or from the time the goods were carried beyond the limits of this Colony, and the time of the arrival of any vessel shall be deemed to be the time at which the report of such vessel was, is or ought to have been

made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage on which she departed.

165. Whenever the person required to take any oath under any Act or regulation relating to the Customs is one of the persons entitled by law to take a solemn affirmation instead of an oath in civil cases, such person may, instead of the oath hereby required, make a solemn affirmation to the same effect; and every person before whom any oath is by any such Act or regulation required or allowed to be taken, or solemn affirmation to be made, shall have full power to administer the same.

166. Every oath required under the provisions of this Chapter, connected with the entry of goods, may be made in this Colony before the collector or chief clerk at the port where the goods are entered, or if the person making such oath is not resident there, then before the collector or proper officer of some other port, and when such oath is required to be made out of the limits of this Colony, it may be made at any place within the United Kingdom, or at any place in His Majesty's possessions abroad, before the collector or before the mayor, or other chief municipal officer of the place where the goods are shipped, or before a notary public, and at any other place before a British Consul or a notary public.

167. The Minister of Finance and Customs, or the person acting as deputy head of the department, and all officers holding the rank of sub-collector or preventive officer in the said department, and all duly appointed inspectors of Customs' ports, shall, by virtue of their office, have full authority to administer all oaths and receive all affirmations and declarations required or authorized by this Chapter, and also to administer all oaths of allegiance and of office, required by this Chapter to be taken by Customs officers; and the Governor in Council may from time to time by regulation appoint or designate such other and additional persons, officers or functionaries as he sees fit, by name or by their name of office, in this Colony or out of it, as those before whom such oaths may be validly taken, and may by any Order in Council release or dispense with the provisions of this Chapter touching oaths, affirmations and declarations required or authorized by this Chapter.

168. All bonds and securities, of what kind and nature soever, authorized to be taken by any law relating to Customs, trade, or navigation, shall be taken to and for the use and benefit of His Majesty; and such bonds shall be taken before the performance of any act with regard to which the taking of any such bond or bonds is required.

169. All bonds, documents and papers necessary for the transaction of any business at the respective Custom Houses or places or ports of entry in this Colony shall be in such form as the Governor in Council from time to time directs.

170. Certificates and copies of official papers, certified under the hand and seal of any of the principal officers of the Customs in the United Kingdom, or of any collector of Colonial revenue in any of the British possessions, or of any British Consul or Vice-Consul in a foreign country, and certificates and copies of official papers made pursuant to this Chapter or any Act in force in this Colony relating to the Customs or revenue, shall be received as *prima facie* evidence in reference to any matter contained in this Chapter or any Act relating to the Customs, or on the trial of any suit in reference to any such matter.

171. Whenever any person makes application to an officer of the Customs to transact any business on behalf of any other person, such officer may require the person so applying to produce a written authority from the person on whose behalf the application is made, and in default of the production of such authority may refuse to transact such business; and any act or thing done or performed by such agent shall be binding upon the person by or on behalf of whom the same is done or performed, to all intents and purposes, as fully as if the act or thing had been done or performed by the principal.

172. Any attorney and agent duly thereunto authorized by a written instrument, which he shall deliver to and leave with the collector, may, in his said quality, validly make any entry or execute any bond or other instrument required by this Chapter, and shall thereby bind his principal as effectually as if such principal had himself made such entry or executed such bond or other instrument, and may take the oath hereby required of a consignee or agent, if he is cognizant of the facts therein averred; and any instrument appointing such attorney and agent shall be valid if it is in the form prescribed by the Governor in Council.

173. Any partner in or attorney and agent of any unincorporated company, association or co-partnership of persons may, under the name and style usually taken by such company, association or co-partnership, make any entry or execute any bond or other instrument required by this Chapter, without mentioning the name or names of any of the members or of the other members of the company or association or partnership, and such entry, bond or instrument shall bind them as fully and effectually, and shall have the same effect in all respects as if the name of every

such member or partner had been therein mentioned and he had signed the same, and (if it is a bond or other instrument under seal) as if he had thereunto affixed his seal and had delivered the same as his act and deed, and the seal thereunto affixed shall be held to be the seal of each and every such member or partner, as aforesaid; and the provisions of this section shall apply to any instrument by which any company, association or partnership of persons appoint an attorney or agent to act for them under the next preceding section.

- (2) The person who under this section makes any entry or executes any bond or instrument on behalf of any company, association or partnership, shall, under the name and style usually taken by them, write his own name with the word "by" or the words "by their attorney," or words to the like effect, as the case may be, thereunto prefixed.

174. All goods exempt from duty as being imported or taken out of warehouse for the use of His Majesty's army or navy, or for any purpose for which such goods may be imported free of duty, shall, in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes; and if such duties are not paid, such goods shall be forfeited and may be seized and dealt with accordingly.

175. Goods claimed to be exempt from duty under any Act relating to duties of Customs shall, in the entry thereof, be described and set forth in the words by which they are described to be free in the Act; and goods not answering such description shall be seized and forfeited, or if the collector deems it expedient, he may detain the goods, and report the case for the action of the Minister of Finance and Customs as provided in this Chapter.

176. If any vessel which has received damage puts into any port or place in this Colony to which she is not bound, having dutiable goods on board, which it is necessary to land for the purpose of repairing the vessel in order to enable her to proceed on her voyage, the collector, upon application of the master or agent, may permit such goods to be unladen and deposited in a warehouse in the custody of the collector; and the collector shall cause to be taken an exact account of the packages and contents; and entry of the goods shall then be made by the master or agent, as hereinbefore directed, and they shall remain in the custody of the collector until the vessel is ready for sea, when, upon payment of storage and the reasonable charges of unloading and storing, the collector shall deliver

up the same to the master or agent to be exported or carried coastwise as the case may be, under the same security and regulations as if such goods had been imported in the usual manner, and without payment of duty.

177. No person shall be entitled to the benefit of the next preceding section who has sold any of such goods except such as it has been necessary to sell to defray the expenses of repairs and charges of the vessel, or as have been authorized by the collector of Customs to be sold; and if goods are sold for payment of repairs and charges they shall be subject to duty, and shall be warehoused or the duties thereon paid by the purchaser.

178. Fresh fish, of British catch, coin or bullion may be landed without entry or warrant, as may also goods in any stranded or wrecked vessel, provided they are duly reported and entered as soon as possible after being safely deposited on shore, and that the landing is in presence of an officer of the Customs or receiver of wreck or other person authorized to act as such receiver.

179. If a vessel which has live stock or perishable articles on board arrives after business hours, the collector at the port may permit the master to unlade the same before report; and report shall in such case be made as soon as possible after the next opening of the Customs' office.

180. The surplus stores of vessels arriving in this Colony shall be subject to the same duties and regulations as if imported as merchandise; but if the owner or master desires to warehouse the same for re-shipment for the future use of the vessel, the collector may permit him so to do, or if such stores are not landed, they may be sealed up.

181. The burden of proof that the proper duties payable with respect to any goods have been paid, and that all the requirements of this Chapter with regard to the entry of any goods have been complied with and fulfilled, shall in all cases lie upon the person whose duty it was to comply with and fulfil the same.

182. Although any duty of Customs has been over paid, or although after any duty of Customs has been charged and paid it appears or is judicially established that the same was charged under any erroneous construction of the law, no such overcharge shall be returned after the expiration of three years from the date of such payment, unless application for re-payment has been previously made.

183. No refund of duty shall be allowed after the lapse of fourteen days from the time of entry, for any alleged misdescription of goods by the importer; and if any error of the kind is discovered by the importer while unpacking his goods, he shall immediately and without further interference with the goods report the facts to the collector in order that the same may be verified.

184. No person, unless he is authorized by the Governor in Council, shall import any goods, wares or merchandize from any port or place out of this Colony in any vessel which has not been duly registered, and has not a certificate of such registry on board.

185. Whenever the collector of Customs at any port is satisfied that in such port, as well as in the adjacent city or town and its vicinity, there does not exist an extraordinary, infectious, contagious or epidemic disease, which could be transmitted by the vessel, her crew or cargo, he may grant to any vessel requiring a bill of health a certificate under his hand and seal attesting the fact aforesaid, for which he shall be entitled to ask and receive a fee of one dollar.

ARTICLES SEIZED—HOW DEALT WITH.

186. If any goods, property or vehicle, subject to the Customs, are stopped or taken by any police or peace officer or any person duly authorized, such goods, property or vehicle except when otherwise directed by the Governor in Council or the Minister of Finance and Customs, shall be taken to the Custom house nearest to the place where the same were stopped or taken, and there delivered to the proper officer authorized to receive the same, within forty-eight hours after the same were stopped or taken.

187. If any goods, property or vehicle are stopped or taken by such police or peace officer on suspicion that the same have been feloniously stolen, such officer shall carry the same to the police office to which the offender is taken, there to remain until and in order to be produced at the trial of the said offender; and in such case the officer shall give notice in writing to the collector or principal officer of His Majesty's Customs at the port nearest to the place where such goods have been detained, of his having detained such goods, with the particulars of the same; and immediately after the trial, all such goods shall be conveyed to and deposited in the Custom house or other place appointed as aforesaid, and proceedings relative to the same shall be had according to law.

188. Whenever any vessel, vehicle, goods or thing have been seized or detained under any of the provisions of this Chapter or of any law relating to the Customs, or when it is alleged that any penalty or forfeiture has been incurred under the provisions of this Chapter or of any law relating to the Customs, the collector or the proper officer shall forthwith report the circumstances of the case to the assistant collector of Customs.

189. The assistant collector may thereupon notify the owner or claimant of the thing seized or detained, or his agent, or the person alleged to have incurred the penalty or forfeiture or his agent, of the reason for the seizure, detention, penalty or forfeiture, and call upon him to furnish within thirty days from the date of the notice such evidence in the matter as he desires to furnish; such evidence may be by affidavit or affirmation, made before any Justice of the Peace, any collector of Customs, any commissioner for taking affidavits in any court or any notary public.

190. After the expiration of the said thirty days, or sooner if the person so called upon to furnish evidence so desires, the assistant collector may consider and weigh the circumstances of the case, and report his opinion and recommendation thereon to the Minister of Finance and Customs.

191. The Minister of Finance and Customs may thereupon either give his decision in the matter respecting the seizure, detention, penalty or forfeiture, and the terms, if any, upon which the thing seized or detained may be released or the penalty or forfeiture remitted, or may refer the same to the Court for decision.

192. If the owner or claimant of the thing seized or detained or the person alleged to have incurred the penalty does not, within thirty days after being notified of the decision of the Minister of Finance and Customs, give him notice in writing that such decision will not be accepted the decision shall be final.

193. If the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, within thirty days after being notified of the decision of the Minister of Finance and Customs gives him notice in writing that such decision will not be accepted, the Minister of Finance and Customs may refer the matter to the Court.

194. On any reference of any matter by the Minister of Finance and Customs to the Court, the Court shall hear and consider such matter upon the papers and evidence referred and upon any further evidence

which the owner or claimant of the thing seized or detained, or the person alleged to have incurred the penalty, or the Crown produces under the direction of the Court, and shall decide according to the right of the matter; and judgment may be entered upon any such decision, and the same shall be enforceable and enforced in like manner as other judgments of the Court.

195. The service of notice to produce evidence referred to in section one hundred and eighty-nine, and of the decision of the Minister of Finance and Customs referred to in sections one hundred and ninety-two and one hundred and ninety-three, shall be sufficient if it is effected by sending such notice by mail in a registered letter addressed to the owner or claimant at his address, as stated in the report of the seizure; and the thirty days mentioned in the two sections last cited shall be computed from the date of the mailing of such notification.

196. Sales of goods forfeited or otherwise liable to be sold under this Chapter shall be by public auction, and after a reasonable public notice, and subject to such further regulations as are made by the Governor in Council; but in any case the Minister of Finance and Customs may order vessels, goods, vehicles or things forfeited to be disposed of as he sees fit, instead of being sold by public auction.

197. The proceeds, after deducting expenses, shall, unless it is otherwise provided, belong to His Majesty for the public uses of this Colony, but the net proceeds or any portion thereof, may be divided between and paid to the collector or chief officer of the Customs at the port or place where the seizure was made, and the officer or officers by whom the seizure was made, or the information given which led to the seizure, any any person who has given information or otherwise aided in effecting the condemnation of the thing seized, in such proportions as the Governor in Council in any case or class of cases directs and appoints; but nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council or the Minister of Finance and Customs to make and ordain any other plan or system for the redistribution of such net proceeds, or with regard to the remission of penalties or forfeitures imposed by this Chapter or any other law.

198. Whenever information has been given under oath to any officer of Customs that goods or things have been unlawfully imported or entered, or whenever any goods have been seized or detained under any of the provisions of this Chapter or of any law relating to the Customs, the importer or exporter thereof, or the owner or claimant thereof, or any

other person who may be or have been agent for either of them or of the consignor, shall, immediately upon being required so to do by a collector or other proper officer of Customs, produce and hand over all invoices, bills, accounts and statements of the goods so imported, entered, seized or detained, or of all other goods imported into this Colony by him at any time within six years preceding such request, seizure or detention; and shall also produce for the inspection of such collector or other officer, and allow him to make copies of, or extracts from, all books of account, ledgers, day-books, cash-books, letter-books, invoice-books, or other books wherein any entry or memorandum appears respecting the purchase, importation, cost, value or payment of the goods so seized or detained and of all other goods as aforesaid.

199. (1) If any person required under the next preceding section to produce and hand over invoices, bills, accounts and statements, or to produce for inspection books of account, ledgers, day-books, cash-books, letter-books, invoice-books and other books, or to allow copies or extracts to be made therefrom, neglects or refuses so to do, he shall incur a penalty not exceeding five thousand dollars.

(2) Whenever any suit is instituted under the provisions of this Chapter or an order of the Court is obtained, all invoices, accounts, books and papers relating to any imported goods, to which such suit or order relates, shall be produced in Court or to any person whom the Court directs, and if the same are not so produced within such time as the Court prescribes, the allegations on the part of the Crown shall be deemed to be proved, and judgment shall be given as in a case by default; but this provision shall not relieve the person disobeying any such order from any other penalty or punishment which he may have incurred by disobedience of any such order.

200. Any collector or other proper officer of Customs may, as may also the Court, with the consent of the collector or other proper officer of Customs at the place where the things seized are, order the delivery thereof to the owner, on the deposit with the collector or other proper officer of Customs in money of a sum equal at least to the full duty paid value (to be determined by the collector or other proper officer of Customs) of the things seized and the estimated cost of the proceedings in the case; and any collector or other proper officer of Customs may receive from any person charged with any contravention of this Chapter, although no seizure

of goods has taken place, a sum of money equal to the full amount of the penalty or forfeiture to which he may be liable for such contravention (to be determined by the collector or other proper officer of Customs) together with the estimated cost of the proceedings in the case.

(2) Any sum or sums of money so deposited shall be immediately deposited in some bank appointed for that purpose by competent authority, to the credit of the Minister of Finance and Customs, there to remain until forfeited in due course of law or released by order of the Minister of Finance and Customs; and if such seized articles are condemned, or such penalty or forfeiture accrues to the Crown either by suit in a Court or by a decision of the Minister of Finance and Customs under this Chapter, the money deposited shall be forfeited.

(3) Any sum or sums of money so deposited shall, unless the same is or are released as in the next preceding sub-section provided, become the property of His Majesty for the public uses of this Colony, subject to the provisions of section one hundred and ninety-seven of this Chapter; and no proceedings against the Crown for the recovery thereof shall be instituted except within six months from the date of the deposit thereof; and in any such proceedings the burden of proof that the goods in respect of which such deposit was made had been duly entered and that all the provisions of this Chapter had been complied with, and that no penalty or forfeiture had accrued in respect thereof, shall lie upon the person seeking recovery of the sum or sums so deposited and not upon the Crown.

201. If the thing seized is an animal or perishable article, the collector at whose port the same is may sell the same so as to avoid the expense of keeping it or to prevent its becoming deteriorated in value; and the proceeds of such sale shall be deposited in some chartered bank to the credit of the Minister of Finance and Customs, and shall abide the judgment of the Court with respect to the condemnation of the thing seized, if proceedings for condemnation are taken in Court, or shall become the property of His Majesty, if the thing seized becomes condemned without proceedings in Court: Provided always, that the collector shall deliver up such animal or perishable article to the claimant thereof, upon such claimant depositing with him a sum of money sufficient in the opinion of the collector to represent the duty paid value of the thing claimed, and

the cost of any proceeding to be taken in Court for the condemnation of the thing seized; and the money so deposited shall be paid into some chartered bank to the credit of the Minister of Finance and Customs, and shall be dealt with in the same manner as above provided for in the case of the proceeds of a sale of such thing.

202. If notice of intent to claim has been given and the value of the goods or thing seized does not exceed one hundred dollars, and the prosecutor chooses to proceed under this section, he shall forthwith cause the goods to be valued by a competent appraiser, and if such appraiser certifies them to be under the said value, a summary information in writing may be exhibited in the name of the collector at or nearest the place of seizure, or in the name of any officer authorized thereto by the Minister of Finance and Customs, before two justices of the peace charging the articles seized as forfeited under some particular Act and section thereof to be therein referred to, and praying condemnation thereof; and the Justice shall thereupon issue a general notice for all persons claiming interest in the seizure to appear at a certain time and place there to claim the articles seized and answer the information, otherwise such articles will be condemned; and a copy of the notice shall, at least eight days before the time of appearance, be served upon the person from whose possession the things were taken, or shall be left at or affixed to the building or vessel in which they were seized, if any, and if there remaining, or at two public places nearest the place of seizure. If any person appears to answer the information the Justices shall hear and determine the matter in a summary manner and acquit or condemn the articles, but if no person appears judgment of condemnation shall be given; and the Justices on condemnation, shall issue a warrant to the collector to sell the goods; and such two Justices shall be deemed a Court, and each of them a judge thereof for the purposes of this Chapter.

FORFEITURES AND PENALTIES.

203. If any person smuggles or clandestinely introduces into this Colony any goods subject to duty, or makes out or passes or attempts to pass through the Custom House any false, forged or fraudulent invoice, or in any way attempts to defraud the revenue by evading the payment of the duty, or of any part of the duty on any goods, such goods, if found, may be seized and forfeited; or if not found, but the value thereof has been ascertained, the person so offending shall forfeit the value thereof as so ascertained; and every such person, his aiders and abettors shall, in addition to any other penalty to which he and they are subject for such offence, forfeit a sum equal to the value of such goods, which sum may be

recovered in any Court of competent jurisdiction, and shall further be liable on summary conviction before two Justices of the Peace, or any other magistrate having the powers of two Justices of the Peace, to a penalty not exceeding two hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding one year, and not less than one month, or to both fine and imprisonment.

204. If any goods are unladen from any vessel or vehicle or put out of the custody of the master or person in charge of the same before report is made as required by this Chapter, or if such master or person fails to make such report, or to produce such goods, or makes an untrue report or does not truly answer the questions demanded of him, he shall for each such offence incur a penalty of four hundred dollars; and if any such goods are not so reported and produced, or if the marks and numbers or other description of any package do not agree with the report made, such goods or package shall be seized and forfeited, and the vessel or vehicle and the animals drawing the same shall be detained until such amount is paid; and unless payment is made within thirty days, such vessel or vehicle and any animals drawing the same may, after the expiration of such delay, be sold to pay such penalty.

205. All goods unladen or landed before due entry thereof and warrant for landing, shall be seized and forfeited, and every person concerned in landing or receiving or concealing goods so landed shall for each offence incur a penalty of four hundred dollars.

206. All goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation made by the Governor in Council, and all goods or vehicles and all vessels under the value of four hundred dollars with regard to which the requirements of any such regulation have not been complied with, shall be forfeited and may be seized; and if such vessel is of or over the value of four hundred dollars, the master thereof shall, by such non-compliance, incur a penalty of four hundred dollars, and the vessel may be detained until the said penalty is paid; and unless payment is made within thirty days, such vessel may, after the expiration of such delay, be sold to pay such penalty, and any expenses incurred in making the seizure and keeping and selling such vessel; and any such forfeitures and penalties shall be recoverable and may be enforced in the same manner and before the same court and tribunal as if incurred by the violation of any provisions of this Chapter.

207. All vessels with the guns, tackle, apparel and furniture thereof, and all vehicles, harness, tackle, horses and animals made use of in the

importation or unshipping or landing or removal of any goods liable to forfeiture under this Chapter, shall be seized and forfeited; and every person who assists or is otherwise concerned in importing, unshipping, landing or removing, or in the harboring of such goods, or into whose hands or possession the same knowingly come, shall incur a penalty of two hundred dollars or a penalty equal to treble the value of such goods at the election of the person who sues for the same; and the averment in any information, petition or pleading for the recovery of such penalty, that such person has elected to sue for the sum mentioned in the information, petition or pleading, shall be sufficient proof of such election, without any other evidence of the fact.

208. If any person knowingly harbors, keeps, conceals, purchases, sells or exchanges any goods unlawfully imported into this Colony (whether such goods are dutiable or not), or whereon the duties lawfully payable have not been paid, such goods, if found, shall be forfeited, and may be seized. If such goods are not found, the person so offending shall forfeit the value thereof; and every such person, his aiders and abettors shall, in addition to any other penalty, forfeit a sum equal to the value of such goods, which may be recovered in any court of competent jurisdiction and shall further be liable, on summary conviction before two Justices of the Peace or any magistrate having the powers of two Justices of the Peace, to a penalty not exceeding two hundred dollars, and not less than fifty dollars or to imprisonment for a term not exceeding one year and not less than one month or to both fine and imprisonment.

209. If any two or more persons in company are found together, and they, or any of them, have any goods liable to forfeiture under this Chapter, every such person having knowledge of the fact is guilty of a misdemeanor.

210. Every person who is proved to have been on board any vessel or boat liable to forfeiture for having been found within one league of the coasts or shores of this Colony, having on board or attached thereto, or conveying, or having conveyed anything subjecting such vessel or boat to forfeiture, or who is proved to have been on board any vessel or boat from which any part of the cargo has been thrown overboard or destroyed, or in which any goods have been unlawfully brought into this Colony, shall incur a penalty of one hundred dollars if he has been knowingly concerned in such acts.

211. Every person who by any means procures, hires, or induces, any person or persons to be concerned in the landing, unshipping, carry-

ing or conveying any goods the importation of which is prohibited, or for the landing of which permission has not been granted by the collector or other proper officer of Customs, shall for every person so procured, hired or induced, incur a penalty of one hundred dollars.

212. If any person makes, or sends, or brings into this Colony, or causes or authorizes the making, sending or bringing into this Colony, any invoice or paper, used or intended to be used as an invoice for Customs purposes, in which any goods are entered or charged at a less price or value than that actually charged or intended to be charged for them, or in which the goods are falsely described, no sum of money shall be recoverable by such person, his assigns or representatives, for the price of such goods or any part thereof, or on any bill of exchange, note or other security, unless in the hands of an innocent holder for value without notice, made, given or executed for the price of such goods or any part of such price.

213. The production or proof of the existence of any other invoice, account, document or paper made or sent by any person or by his authority, wherein goods or any of them are charged or entered at or mentioned as bearing a greater price than that set upon them in any such invoice as in the next preceding section mentioned, or in which the goods are falsely described, shall be *prima facie* evidence that such invoice was intended to be fraudulently used for Customs purposes; but such intention, or the actual fraudulent use of such invoice, may be proved by any other legal evidence.

214. Every importer of goods into this Colony, and every person on his behalf, who presents or causes to be presented with intent to make entry thereunder, any false or fraudulent invoice, such as described in the two sections next preceding, shall incur a penalty equal in amount to the value of the goods represented in such invoice, and the goods shall also be seized and forfeited.

215. If any entry passed at any Custom House is false in any particular to the knowledge of any person connected with the making thereof, all the packages and goods included or pretended to be included or which ought to have been included in such entry, shall be forfeited.

216. If any warehoused goods are concealed in or unlawfully removed from any Customs warehouse in this Colony, such goods shall be seized and forfeited; and every person who conceals or unlawfully removes any such goods, or aids or abets such concealment or removal, shall incur

the penalties imposed on persons illegally importing or smuggling goods into this Colony; and on the discovery of such concealment or removal, all goods belonging to the importer or owner of the concealed or removed goods, then remaining in the same or any other warehouse, shall be placed under detention until the duty payable on the goods so concealed or removed, and all penalties incurred by him have been paid; and if such duties and penalties are not paid within one month after the discovery of the concealment or removal of such goods, the goods so detained shall be dealt with in the same manner as goods unlawfully imported or smuggled into this Colony.

217. If the importer or owner of any warehoused goods, or any person in his employ, by any contrivance opens the warehouse in which the goods are or gains access to the goods except in the presence of or with the express permission of the proper officer of the Customs, such importer or owner shall, for every such offence, incur a penalty of one hundred dollars.

218. Every person who by any contrivance gains access to bonded goods in a railway car, or to goods in a railway car or in any other conveyance or place, upon which goods the Customs duties have not been paid, or delivers such bonded or other goods without the express permission of the proper Officer of Customs, shall for every offence be liable to a penalty not exceeding four hundred dollars, and not less than fifty dollars, or to imprisonment for a term not exceeding one year, and not less than one month, or to both fine and imprisonment.

219. Every person who wilfully alters, defaces or obliterates any mark placed by any officer of Customs on any package of warehoused goods, or goods in transit, shall, for every such offence, incur a penalty of five hundred dollars.

220. Every person who makes any entry outwards of goods from warehouse for exportation, and who is not the owner or duly authorized by the owner thereof, or the master of the vessel by which they are to be shipped, shall incur a penalty of two hundred dollars.

221. Every person who counterfeits, falsifies, or uses when so counterfeited or falsified, any paper or document required under this Chapter, or for any purpose therein mentioned, whether written, printed or otherwise, or by any false statement procures such document, knowing the same to be so forged or counterfeited, or forges or counterfeits any

certificate relating to any oath or declaration or affirmation hereby required or authorized, shall be guilty of a misdemeanor.

222. Every person who, whether pretending to be the owner or not, either secretly or openly and whether with or without force or violence, takes or carries away any goods, vessel, vehicle, or other thing which have been seized or detained on suspicion, as forfeited under this Chapter, before the same have been declared by competent authority to have been seized without due cause, and without the permission of the officer or person who seized the same or of some competent authority, shall be deemed to have stolen such goods, being the property of His Majesty, and shall be guilty of felony.

223. Every person who, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resists, opposes, molests or obstructs any officer of Customs, or any person acting in his aid or assistance, in the discharge of his or their duty under the authority of this Chapter or any other law in force in this Colony relating to Customs, trade or navigation, or who wilfully or maliciously shoots at or attempts to destroy or damage any vessel belonging to His Majesty, or in the service of this Colony, or maims or wounds any officer of the army, navy, marine or Customs, or any person acting in aid or assistance of such officer, while duly employed for the prevention of smuggling, and in execution of his or their duty, and every person who is found with any goods liable to seizure or forfeiture under this Chapter or any other law relating to Customs, trade or navigation, and carrying offensive arms or weapons, or in any way disguised, and every person who staves, breaks or in any way destroys any such goods, before or after the actual seizure thereof, or scuttles, sinks or cuts adrift any vessel, or destroys or injures any vehicle or animal, before or after the seizure, or wilfully and maliciously destroys or injures, by fire or otherwise, any Custom house or any building whatsoever in which seized, forfeited or bonded goods are deposited or kept, shall be guilty of felony.

224. Every master or person in charge of any vessel, and every driver or person conducting or having charge of any vehicle or conveyance who refuses to stop such vessel, vehicle or conveyance when required so to do, in the King's name, by an officer of Customs or person employed as such, and every person who is present at any such seizure or stoppage and who, when called upon in the King's name by such officer or person to aid and assist him in a lawful way, refuses so to do, shall be liable on summary conviction before two Justices of the Peace to a penalty of two

hundred dollars, and in default of payment to imprisonment for a term not exceeding six months.

225. If any person offers for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in by land or otherwise, without payment of duties, all such goods, although not liable to any duties or prohibited, shall be seized and forfeited, and every person who offers the same for sale shall be liable, on summary conviction before two Justices of the Peace, to a penalty of two hundred dollars, or to a penalty equal to treble the value of such goods, at the election of the prosecutor, and in default of payment to imprisonment for a term not exceeding sixty days.

226. Every person required by this Chapter or by any other law to answer questions put to him by any officer of the Customs, who refuses to answer or does not truly answer such questions, shall, in addition to any other penalty or punishment to which he is liable, incur a penalty of four hundred dollars.

227. Every person who has in his possession, in port or on land, any goods derelict, flotsam, jetsam or wreck, and which are dutiable, and does not give notice thereof to the nearest officer of Customs without unnecessary delay, or does not on demand pay the duties thereon or deliver the same to the proper officer, shall incur a penalty of two hundred dollars in addition to all other liabilities and penalties incurred by him, and the goods shall be seized and forfeited; and every person who removes or alters in quantity or quality any such goods, or unnecessarily opens or alters any package thereof, or abets any such act, before the goods are deposited in a warehouse under the custody of the Customs' officers, shall, in addition to all other liabilities and penalties incurred by him, incur a penalty of two hundred dollars.

228. Every police or peace officer who has detained any goods, property, or vehicle, subject or liable to forfeiture, and who neglects to convey the same to the Custom House, or to give notice of having stopped the same as herein prescribed, shall be liable, on summary conviction, to a penalty of one hundred dollars, and, in default of payment, to imprisonment for a term not exceeding thirty days.

229. Every collector or other officer of Customs who allows the payment of duties of Customs to be avoided or deferred for any cause or consideration whatsoever, except by regular entry for warehouse or by

bond given under this Chapter, shall be liable to a penalty equal to the full value of such goods and the duty accruing thereon, which shall be recoverable in any court of competent jurisdiction, from him or his sureties, or either of them; and any goods on which payment of duty has been so avoided or deferred shall be liable to seizure and be dealt with as goods unlawfully imported into this Colony.

230. Every officer of the Customs and every person employed with the concurrence of the Governor in Council for the prevention of smuggling, who makes any collusive seizure, or delivers up or makes any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Chapter, or who takes or accepts a promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, is guilty of a misdemeanor, and liable for every such offence to a fine of five hundred dollars and to imprisonment for a term not exceeding two years and not less than three months, and shall be incapable of serving His Majesty in any office whatsoever; and every person who gives, offers or promises to give, or procures to be given, any bribe, recompense or reward to, or makes any collusive agreement with, any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to conceal or connive at any act whereby the provisions of this Chapter or any law relating to the Customs, trade, or navigation may be evaded, is guilty of a misdemeanor, and liable for every such offence to a fine of five hundred dollars and to imprisonment for a term not exceeding two years and not less than three months.

PROCEDURE.

231. All offences committed against this Chapter, and all penalties and forfeitures incurred thereunder, may be prosecuted, sued for and recovered in the Supreme Court in Admiralty, or upon information and without a jury in the Supreme Court, or before a Justice of the Peace; Provided that either party to any such cause shall, in the Supreme Court, have the right, upon application, to have a jury for the trial thereof as in ordinary cases of felony or misdemeanor, according to the charge involved.

232. If any person shall feel himself aggrieved by any judgment or conviction of a Magistrate or Justice of the Peace, he shall have liberty to appeal to the then next sitting of the Supreme Court, provided notice of the same be given to the convicting magistrate within four days after such judgment or conviction shall have been made or given; and, if required by such magistrate, recognizance or other security, with or without

sureties, shall be entered into to abide by the judgment of the Supreme Court thereon.

233. No suit shall be commenced for the recovery of any penalty or forfeiture under this Chapter, except in the name of the Minister of Finance and Customs, or in the name of His Majesty's Attorney or Solicitor General for this Colony, or within three years after the said offence has been committed, and in the information, declaration, statement of claim, or other proceeding, any number of charges for offences against this Chapter may be included against the same offender or offenders.

234. Any Judge of the Court in which any prosecution or suit is brought for the recovery or enforcement of any penalty or forfeiture as aforesaid, may, upon being satisfied by affidavit that there is reason to believe that the defendant is about to leave the Colony without satisfying such penalty or forfeiture, issue a warrant under his hand and seal for the arrest of such defendant and his detention in the common gaol of the county, district or place, until he has given security before and to the satisfaction of such Judge, or some other Judge of the same Court, for the payment of such penalty, with costs, in case judgment is given against him.

235. In any declaration, information, statement of claim, or proceeding in any such prosecution or suit, it shall be sufficient to state the penalty or forfeiture incurred, and the Chapter or Act and section of the Chapter or Act, or the rule or regulation under which it is alleged to have been incurred, without further particulars; and the averment that the person seizing or suing was and is an officer of the Customs shall be sufficient *prima facie* evidence of the fact alleged, and no person shall be disqualified as a witness by reason of interest.

236. In every prosecution, information, suit or proceeding brought under this Chapter for any penalty, or to declare or enforce any forfeiture or upon any bond given under it, or in any matter relating to the Customs, or to trade or navigation, His Majesty or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit; and all such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the defendant, in the same manner as sums recovered by judgment of the Court in which the prosecution is brought may be levied by execution, or payment thereof may be enforced by *capias ad satisfaciendum* against the person of the defendant under the same conditions and in like manner.

237. If in any case the Minister of Justice of this Colony is satisfied that the penalty or forfeiture was incurred without intended fraud, he may enter a *nolle prosequi* on such terms as he sees fit, which shall be binding on all parties; and the entry of such *nolle prosequi* shall be reported to the Minister of Finance and Customs with the reasons therefor.

238. I nany prosecution, suit or other proceeding for the recovery of any penalty or in respect of any forfeiture as aforesaid, or for an offence against this Chapter, or any other law relating to the Customs, or to trade or navigation, the averment that the cause of prosecution or suit arose, or that such offence was committed, within the limits of any district, port or place, shall be sufficient evidence of the fact without proof of such limits, unless the contrary is proved.

239. If in any prosecution, information or suit respecting any seizure made under this Chapter, or any law relating to the Customs, decision or judgment is given for the claimant, and if the Judge or Court before whom the cause has been tried or brought, certifies that there was probable cause for seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure, and if any action, indictment, or other suit or prosecution is brought against any person on account of his making or being concerned in the making of such seizure, the plaintiff, if probable cause is certified as aforesaid, shall not be entitled to more than twenty cents damages or to any costs, nor shall the defendant in such prosecution in such case be fined more than ten dollars.

240. If any prosecution or suit is brought for any penalty or forfeiture under this Chapter or any other law relating to the Customs or to trade or navigation, and any question arises as to the identity or origin of the goods seized, or as to the payment of the duties on any goods, or as to the lawful importation thereof, or as to the lawful lading or exportation of the same, or as to the doing or omission of any other thing by which such penalty or forfeiture would be incurred or avoided, the burden of proof shall lie on the owner or claimant of the goods, and not on the Crown, or on the person bringing such prosecution or suit.

241. All vessels, vehicles, goods and other thing seized as forfeited under this Chapter, or any other law relating to Customs or to trade or navigation, shall be placed in the custody of the nearest collector, and secured by him, or if seized by any officer in charge of a revenue vessel, shall be retained on board thereof until her arrival in port, and shall be

deemed and taken to be condemned, without suit, information or proceedings of any kind, and may be sold, unless the person in whose possession or custody they were seized, or the owner thereof or some person on his behalf, within one month from the day of seizure, gives notice in writing to the seizing officer or other chief officer of the Customs at St. John's, that he claims or intends to claim the same; and the burden of proof that such notice was duly given in any case shall lie upon the person so claiming.

242. Proceedings for the condemnation of the things seized may be commenced and prosecuted to judgment, even if no such notice has been given.

243. Whenever under any provision of this Chapter any penalty may be recovered or any forfeiture may be enforced by action, suit or proceeding, the seizure by an officer of Customs or person acting in his aid of the goods in respect of which the penalty has been incurred or the forfeiture has accrued, shall be deemed to be a commencement of such action, suit or proceeding.

244. Every person who desires to claim anything seized after proceedings for condemnation thereof have been commenced, shall file his claim in the office of the Clerk of the Court; and such claim shall state the name, residence and occupation or calling of the person making it, and shall be accompanied by an affidavit of the claimant or his agent having a knowledge of the facts, setting forth the nature of the claimant's title to the thing seized.

245. Before any such claim can be filed the claimants shall give security to the satisfaction of the Court or a Judge thereof by bond in a penal sum of not less than two hundred dollars or by a deposit of money not less than that sum, for the payment of the costs of the proceedings for condemnation.

246. No claim to anything seized under this Chapter and returned to His Majesty's Courts for adjudication shall be admitted, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; and any person making a false oath thereto shall be deemed guilty of a misdemeanor, and be liable to the pains and penalties to which persons guilty of a misdemeanor are ordinarily liable.

247. In all cases in which no fine, penalty or forfeiture is imposed or provided for by this Chapter for a breach or violation of any of the provisions thereof, all persons offending against the same in any way shall forfeit and pay a sum not exceeding two hundred dollars, to be recovered and appropriated in like manner as other fines and penalties are under this Chapter.

248. All seizures, prosecutions or suits for the recovery or enforcement of any of the penalties or forfeitures imposed by this Chapter or any other law relating to the Customs, may be made or commenced at any time within three years after the offence was committed or the cause of prosecution or suit arose, but not afterwards.

249. An appeal shall lie from a conviction by any Magistrate, Justice or Justices of the Peace under this Chapter, in the manner provided by law from convictions in cases in summary conviction, on the appellant furnishing security by bond or by recognizance, with two sureties, to the satisfaction of such Magistrate, Justice or Justices of the Peace, to abide the event of such appeal.

250. If the appeal is brought by His Majesty's Attorney General, or a collector or officer of the Customs, it shall not be necessary for him to give any security on such appeal.

251. In any case in which proceedings have been instituted in any Court against any vessel, vehicle, goods or things, for the enforcement of any penalty or forfeiture under this Chapter, or any law relating to the Customs or to trade or navigation, the execution of any decision or judgment for restoring the thing to the claimant thereof shall not be suspended by reason of any appeal from such decision or judgment if the claimant gives sufficient security, approved of by the Court or a Judge thereof, to render and deliver the thing in question, or the full value thereof, to the appellant in case the decision or judgment so appealed from is reversed.

252. No writ of *certiorari* shall issue to remove any proceeding under this Chapter, nor shall any writ of *habeas corpus* or judge's order issue to bring up the body of any person who shall have been convicted before any justice under this Chapter, unless the party against whom such proceedings shall have been directed or who shall have been so convicted, or his attorney or agent, shall state by affidavit in writing duly sworn the grounds of objection to such proceedings or conviction; and upon the return to such writ of *certiorari* or *habeas corpus* or judge's order, no objec-

tion shall be entertained other than such as shall have been stated in such affidavit; and any Justice shall and may amend any information, conviction, or warrant of commitment for any offence under this Chapter at any time, whether before or after conviction.

253. No such writ or order shall issue without notice in writing to the Minister of Finance and Customs, and no return to any such writ or order shall be considered by the Supreme Court or any Judge thereof, unless there shall be produced to the Court or Judge an affidavit in writing, duly sworn, stating that notice of the issue of such writ or order was given to the Minister of Finance and Customs, or left at his office, four clear days before the return of such writ or order; and with respect to all such writs or orders there shall be an interval of four clear days at least between the day of issue and the day of the return thereof; and any such writ or order issuing without notice, or not in conformity with the direction herein contained, shall be void to all intents and purposes.

254. In any case in which any person shall be duly convicted before any Magistrate or Justice of any offence against this Chapter, and application shall be made to the Supreme Court or a Judge thereof to set aside the sentence or order of such Magistrate, whether for imprisonment, penalty, fine or forfeiture in respect of such offence, on the ground of excess, irregularity, or omission, or other error in such sentence or order, the Court or Judge shall have power to correct or amend the said sentence or order and to substitute therefor such sentence or order as might lawfully have been imposed or made by such Magistrate or Justice in respect of such offence, and such corrected or substituted sentence or order shall take effect in the same manner as if the same had been duly imposed or made by such Magistrate or Justice.

POWERS OF THE GOVERNOR IN COUNCIL.

255. The Governor in Council may from time to time and in the manner hereinafter provided, in addition to the other purposes and matters in this Chapter mentioned, make regulations for or relating to the following purposes and matters:

- (a) For regulating and declaring what allowances shall be made for tare on the gross weight of goods.
- (b) For declaring what shall be coasting trade, and how the same shall be regulated in any case or class of cases, and for relaxing or dispensing with any of the requirements of this

Chapter as to vessels engaged in such trade, on any conditions which he sees fit to impose.

- (c) For appointing places and ports of entry, and warehousing and bonding ports, and respecting the personal baggage of travellers coming into this Colony or returning thereto, or passing through any portion thereof.
- (d) For regulating the importation of spirits, wine and malt liquors, or other goods which require to be weighed, gauged or tested for strength or quantity, and limiting or prescribing the kind and capacity of packages in which the same may be imported, and the conveyances by which, and the ports or places at which the same may be landed and entered.
- (e) For authorizing the appointment of warehouses and regulations, the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, and of removing such goods therefrom, and the amount of warehouse rent or license fees.
- (f) For extending either by general regulation or by special order, the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another.
- (g) For regulating the form in which transfers of goods in warehouse or bond from one person to another shall be entered.
- (h) For exempting goods from duty as being the growth, produce or manufacture of the Dominion of Canada, if such exemption is provided for by any Act relating to Customs and for regulating the mode of proving such exemption.
- (i) For transferring to the list of goods which may be imported into this Colony free of duty, any or all articles (whether natural products or manufactures) used as materials in Newfoundland manufactures; and any such materials transferred to the free list by such Order in Council shall be free of duty of Customs for the time therein appointed for that purpose.
- (j) For granting a drawback of the whole or part of the duty paid on articles which have been used in Newfoundland manufactures, or for granting a certain specific sum in lieu of any such drawback.

- (k) For prescribing the manner in which the proceeds of penalties and forfeitures shall be distributed.
- (l) For authorizing the taking of such bonds and security as he deems advisable for the performance of any condition on which any remission or partial remission of duty, indulgence or permission is granted to any person, or any other condition made with such person in any matter relating to the Customs or to trade or navigation; and such bonds, and all bonds taken with the sanction of the Minister of Finance and Customs, expressed either by general regulation or by special order, shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in like manner as any other bond entered into under this Chapter, or any other law relating to the Customs.
- (m) For regulating the trade between this Colony and St. Pierre and Miquelon in vessels under fifteen tons.
- (n) For any other purpose for which by this Chapter, or any other law relating to the Customs or to trade or navigation, the Governor in Council is empowered to make orders or regulations.

And the Governor in Council may, if he deems it expedient, make general regulations in any matter in which he may make a special order; any such general regulation shall apply to each particular case within the extent and meaning thereof as fully and effectually as if the same referred directly to each particular case within the intent and meaning thereof, and the officers, functionaries and persons had been specially named therein.

256. The Governor in Council may, under regulations made for that purpose, allow on the exportation of goods which have been imported into this Colony, and on which a duty of Customs has been paid, a drawback equal to the duty so paid, with such deduction therefrom as is provided in such regulations; and in cases mentioned in such regulations and subject to such provisions as are therein made, such drawback, or a specific sum in lieu thereof, may be allowed on duty-paid goods manufactured or wrought in this Colony or its dependencies into goods exported therefrom as aforesaid; and the period within which such drawback may be allowed after the time the duty was paid shall be limited in such regulations.

257. The Governor in Council may interpret, limit or extend the

meaning of the conditions upon which it is provided in any Act imposing duties of Customs that any article may be imported free of duty for special purposes or for particular objects or interests; and may make regulations either for declaring or defining what cases shall come within the conditions of such Act, and to what objects or interests of an analogous nature the same shall apply and extend, and may direct the payment or non-payment of duty in any such case, or the remission thereof by way of drawback if such duty has been paid.

258. The Governor in Council may make such regulations as are considered advisable for the appointment of sufferance wharves and warehouses, at which goods arriving by vessels in transit to other ports, or confined to certain days of departure, may be landed and afterwards stored before entry—such vessels being duly reported to the Custom House, and the collector's warrant for the purpose being obtained—if such lading is effected between six o'clock in the morning and six o'clock in the evening on a day not being Sunday or a statutory holiday, and if the goods, on being so landed, are immediately stored in some such approved sufferance warehouse; and such goods shall be thereafter dealt with by the proper officer of Customs as prescribed by law; but nothing in this section shall affect any contract, express or implied, between the master or owner of any such vessel and the owner, shipper, or consignee of any such goods as aforesaid, or the rights or liability of any person under such contract.

- (2) The Governor in Council may make similar regulations for the appointment of sufferance warehouses, in which goods arriving by railway may be stored before entry—such goods having been duly reported to the collector or proper officer of Customs.

259. The Governor in Council may from time to time prohibit the exportation or the carrying coastwise of the following goods: arms, ammunition and gunpowder, military and naval stores, and any articles which the Governor in Council deems capable of being converted into or made useful in increasing the quantity of military or naval stores, or for purposes of hostility, or destruction in war, provisions or any sort of victual which may be used as food by man; and if any goods so prohibited are exported, carried coastwise, or by inland navigation, or waterborne, or laden in any railway carriage or other vehicle, for the purpose of being so exported or carried, they shall be seized and forfeited.

260. Any oath or declaration which the Governor in Council deems

necessary to protect the revenue against fraud may, in any regulation made by him under this Chapter, be prescribed, and any person or officer may be authorized to administer the same; and by any such regulation a declaration may be substituted for an oath in any case in which an oath is required by this Chapter.

261. The Governor in Council may prescribe the forms of oaths required under this Chapter; such forms may from time to time be repealed or amended, and the forms of oaths authorized by statute or by the Governor in Council at the time of the coming into force of this Chapter shall continue to be the authorized forms until altered or dispensed with by the Governor in Council.

262. All general regulations made by the Governor in Council under this Chapter, shall have effect from and after the day on which the same are published in the *Royal Gazette*, or from and after such later day as is appointed for the purpose in such regulations, and during such time as is therein expressed, or if no time is expressed for that purpose, then until the same are revoked or altered.

263. The surplus, if any, of the proceeds of the sale of any vessel sold for any penalty over and above the amount of the penalty, and expense incurred, shall be paid to the owner of the vessel so sold, or to his lawful agent or other person entitled thereto.

SCHEDULE A.

Passengers (Inwards).

NAME.	WHERE BORN.	AGE.	WHENCE.	PURPOSE OR OBJECT.

Passengers on board the _____ from _____,
(Date of arrival and port).

Master.

SCHEDULE B.

Passengers (Outwards).

NAME.	WHERE BORN.	AGE	LATE RESIDENCE IN NEWFOUNDLAND	DESTINATION.

Passengers embarking on the, bound to

(*Date and port of departure*).

Master.

CHAPTER 23.

* Of the Auditing of Public Accounts.

SECTION

- 1.—Short title.
- 2.—Interpretation.
- 3.—Persons subject to this Chapter.
- 4.—What moneys form part of Consolidated Revenue Fund.
- 5.—Governor in Council may make regulations for management of debt and payment of interest, &c.
- 6.—How loans authorized by Legislature may be raised.
- 7.—Governor in Council may change the form of funded debt in certain ways.
- 8.—May raise temporary loans in certain cases of exigency.
- 9.—Regulations made by Governor in Council as to Colonial securities to have force of law.
- 10.—Duty of Deputy Minister of Finance as to debentures.
- 11.—Cancelling of redeemed debentures.
- 12.—Act respecting treasury notes not affected.
- 13.—Governor in Council to determine what officers are needed in connection with the revenue.
- 14.—Salaries to be in lieu of fees, &c.
- 15.—Exemption from certain public services.
- 16.—Officers to take oath of office.
- 17.—Officers to give security.
- 18.—Governor in Council to divide Colony into ports, districts, &c., for revenue purposes, and may make regulations.
- 19.—Officers employed to be deemed the proper Officers.
- 20.—Transfer of revenue officers.
- 21.—Hours of attendance, &c.
- 22.—Comptroller and Auditor General.
- 23.—Tenure of Office.
- 24.—Officers and Clerks in office of Comptroller and Auditor General.
- 25.—Comptroller and Auditor General may make rules as to business of his office, &c.
- 26.—Colony's revenues to be paid into Exchequer account.
- 27.—Governor in Council may appoint times and modes for accounts and payments; Proviso, at least monthly.
- 28.—Payment of revenue into Banks; Proviso, certain deductions.
- 29.—Remittances other than foregoing.
- 30.—Warrants of Governor for payments countersigned by member of Treasury Board to Minister of Finance and Customs.
- 31.—Minister of Finance and Customs and Auditor General may issue credits in favor of proper departments and persons.
- 32.—Duty of Comptroller and Auditor General as to issue of cheques.
- 33.—Cheques not to issue except on certificate of Comptroller and Auditor General that there is Legislative authority; Proviso.
- 34.—Certificates to be required by Comptroller and Auditor General.
- 35.—Keeping of public Accounts.
- 36.—Consolidated Revenue Fund Account.
- 37.—Annual accounts for Legislature.
- 38.—Accounts to include financial year.
- 39.—Accounts of appropriation of supply grants to be prepared and transmitted for examination.
- 40.—Departmental appropriation accounts.
- 41.—Duty of department preparing appropriation accounts.

SECTION

- 42.—Treasury Board may alter times for accounting.
- 43.—Deputy heads, &c., to audit details.
- 44.—Explanation to accompany appropriation accounts.
- 45.—Examination of appropriation accounts by Comptroller and Auditor General.
- 46.—Comptroller and Auditor General to have free access to books of account.
- 47.—Comptroller and Auditor General to test additions and computations.
- 48.—Objections arising to be communicated to department accounting.
- 49.—Comptroller and Auditor General in report to House of Assembly to call attention to irregularities.
- 50.—Comptroller and Auditor General to present report if Minister of Finance and Customs does not.
- 51.—Comptroller and Auditor General to examine and audit revenue accounts.
- 52.—By whom such accounts are to be rendered.
- 53.—Examination to be made by Comptroller and Auditor General with as little delay as possible.
- 54.—Certificate of Comptroller and Auditor General to accountant.
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- 56.—Comptroller and Auditor General may examine on oath.
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- 66.—Payment of purchase money of property sold to satisfy Crown debt to discharge all claim on same property.
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- 68.—Liability for loss occasioned by malfeasance or culpable neglect.
- 69.—Saving of other Crown remedies.
- 70.—Punishment of officers.
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- 73.—Saving of other Crown remedies.
- 74.—Books of account, &c., to belong to His Majesty.
- 75.—Before whom oaths or affirmations in revenue matters may be taken.
- 76.—Inquiries in revenue matters.
- 77.—Accountant dissatisfied may appeal to Treasury Board.
- 78.—Public holidays.
- 79.—Governor in Council may remit duties, &c. in certain cases.
- 80.—Effect of remission as pardon.
- 81.—Recovery of penalties and enforcement of forfeitures.

SHORT TITLE.

1. This Chapter may be cited as "The Consolidated Revenue and Audit Act, 1899."

INTERPRETATION.

2. In this Chapter, unless the context otherwise requires,—

- (a) The expression "public moneys," "public revenue," or "revenue," means and includes and applies to all the revenue of the Colony, and all branches thereof, and all public moneys, whether arising from duties of customs, excise or other duties, or from the Post Office, or from tolls for the use of any railway, canal or other public work, or from fines, penalties or forfeitures, or from any rents or dues, or any other source whatsoever, whether such moneys belong to the Colony or are collected by officers of the Colony for or on account of or in trust for any council, board or other public body, or for the Government of the United Kingdom or otherwise;
- (b) The expression "certify" includes "examine and certify, if found correct;"
- (c) The expression "sub-accountant" means any officer or person receiving or expending public moneys and accounting for the same to or through any minister or officer of any public department;
- (d) The expression "department," when used in connection with the duty of preparing appropriation accounts, includes every public officer to whom the duties are assigned by the Treasury Board.

3. Any officer, functionary or person whose duty it is to receive any moneys forming part of the revenue, or who is entrusted with the custody or expenditure of any such moneys, although he is not regularly employed collecting, managing or accounting for the same, shall be subject to the provisions of this Chapter, so far as regards the accounting for and paying over such moneys, whatever is the office or employment by virtue of which he receives or is entrusted with the same.

CONSOLIDATED REVENUE FUND.

4. All public moneys and revenue over which the Legislature of the Colony now has the power of appropriation shall form one Consolidat-

ed Revenue Fund to be appropriated for the public service of the Colony in the manner hereinafter mentioned: Provided that this section shall not be construed as repealing or in any way affecting any existing statute or other law creating or providing for any preferential or other special charge upon the revenues or public funds of the Colony.

5. The Governor in Council may from time to time make such regulations as he deems necessary for the management of the public debt of the Colony and the payment of the interest thereon, and may, subject to provisions of the next following section, provide for the creation and management of a sinking fund or other means of securing the repayment of any loans raised under the authority of the Legislature, and may appoint one or more fiscal agents of the Colony in the city of London, England, or elsewhere, and agree with them as to the rate of compensation to be allowed them for negotiating loans and for paying the interest on the public debt, and for other services connected with the management of the said debt; and may pay the sums necessary to provide such sinking fund or other means as aforesaid and such compensation out of the Consolidated Revenue Fund.

6. Whenever, in any Act passed by the Legislature of the Colony, authority is given to the Governor in Council to raise, by way of loan, any sum of money for the public service, or the security of the Colony is authorized to be given for any sum of money deposited in any Government savings bank, or otherwise entrusted for safe keeping to the Government of the Colony, then, unless there is some provision to the contrary in the Act by which such authority as aforesaid is given, such sum shall, in the discretion of the Governor in Council, be raised or such security given in one of the following ways, or partly in one or partly in another or others thereof, that is to say:—

- (a) By the issue and sale, or the delivery as such security, of debentures of the Colony, which shall be in such form, for such separate sums, and at such rate of interest not exceeding six per cent. per annum, and the principal whereof shall be made payable at such periods and places as the Governor in Council deems most expedient, and subject to such regulations as he sees fit to make; and such principal and interest shall be chargeable on the Consolidated Revenue Fund.
- (b) By the issue and sale, or the delivery as such security, of Colonial stock, bearing such rate of interest not exceeding six per cent. per annum, as is deemed most advisable, payable half-yearly, and the principal and interest whereof shall be

chargeable on the Consolidated Revenue Fund; such stock not to be redeemable until the time fixed by the regulations hereinafter mentioned, but at and after that time to be redeemable at the option of the Governor in Council on giving six months' notice of such redemption, and to be subject to such regulations as to the inscription, transfer, management and redemption thereof as the Governor in Council sees fit to make.

- (c) On authorizing the issues of debentures or stock under the two paragraphs next preceding, the Governor in Council may provide for a special sinking fund with respect to such issue, and may at any time provide for a general sinking fund for all such portions of the debentures or stock of the Colony as have been or are hereafter issued without provision for a sinking fund with respect to them: provided that the amount to be invested in any such sinking fund shall not exceed one-half of one per cent. per annum on the amount of the debentures or stock to which it relates.
- (d) By the granting of terminable annuities chargeable on the Consolidated Revenue Fund, such annuities being granted on terms in accordance with the most approved English tables, and based on a rate of interest not exceeding six per cent. per annum, and subject to such regulations as the Governor in Council sees fit to make.
- (e) By the issue and sale, from time to time, of exchequer bills, or exchequer bonds, in sums of not less than four hundred dollars, in such form, and bearing such rate of interest not exceeding six per cent. per annum, and redeemable at such periods and places, as the Governor in Council deems most advisable, and subject to such regulations as he sees fit to make.

7. The Governor in Council may from time to time, as the interests of the public service require, change the form of any part of the then existing funded debt of the Colony (including any debentures for which the Colony is liable,) by substituting one class of the securities aforesaid for another, or for such debentures: provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except in any case in which four per cent. Colonial stock, or five per cent. Colonial stock or debentures, is or are substituted for securities bearing a higher

rate of interest; in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the security bearing the higher interest and that of the four per cent. stock, or five per cent. stock, or debentures substituted for it; but no such substitution shall be made unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of the Colony; and such substitution may be made by the sale of the one class of securities and the purchase of those for which it is desired to substitute them.

8. The Governor in Council may from time to time, as the exigencies of the public service may require, in the event of the Consolidated Revenue Fund being at any time insufficient to meet the charges placed thereon by law, direct the proper officer to raise, by temporary loans chargeable on the said fund, in such manner and form, in such amounts, for such periods not exceeding six months, at rates of interest not exceeding six per cent. per annum, as the Governor in Council directs, such sums as are necessary to enable the said fund to meet such charges; but the sums to be so raised shall never exceed the amount of the deficiencies in the Consolidated Revenue Fund to meet the charges then thereon due or payable either as principal or interest, and shall be applied to no other purpose whatever; and an account in detail of all such temporary loans shall be laid before the House of Assembly within the first fifteen days of the session then next ensuing.

9. The regulations made or to be made by the Governor in Council as to the inscription, transfer, management and redemption of any colonial stock, debentures, or other colonial securities above mentioned, under this Chapter or any other Act, shall, in so far as they are not inconsistent with the Acts under which they are made, have the same force and effect as if embodied and enacted in an Act of the Legislature of the Colony; and no officer of the Government of the Colony employed in the inscription, transfer, management or redemption of any such stock or securities, or in the payment of any dividend or interest thereon, shall be bound to see to the execution of any trust, expressed or implied, to which such stock or securities are subject, or shall be liable in any way to any person for anything done as such officer in accordance with any such regulations as aforesaid.

10. The Deputy of the Minister of Finance shall countersign all debentures of the Colony, keep a debenture book, which shall contain a record and description of all debentures outstanding or authorized to be is-

sued, showing the date of issue, period of redemption, when they were cancelled, and times of payment of interest, and an interest account respecting them, and also a register of notes issued or cancelled.

11. The Comptroller and Auditor General and the Deputy of the Minister of Finance shall examine and cancel debentures, notes of the Colony, and other securities representing the debt of the Colony and which have been redeemed.

12. Nothing in this Chapter shall be construed as altering or affecting the provisions of any act respecting Treasury Notes, or the debentures to be issued and held for securing the redemption of such notes, or in any way to authorize any increase of the public debt without the express authority of the Legislature; except in the manner and to the extent hereinbefore provided in case of the substitution of four per cent. colonial stock, or five per cent. colonial stock, for other securities, and except also as provided in section seven of this Chapter.

13. The Governor in Council may from time to time determine what officers or persons it is necessary to employ in collecting, managing, or accounting for the revenue, and in carrying into effect the laws thereunto relating, or for preventing any violation of such laws; and may assign their names of office, and such salaries or pay for their labour and responsibility in the execution of the duties of their respective offices and employments as to the Governor in Council seems reasonable and necessary, and may appoint the times and manner in which the same shall be paid; but no such officer so appointed shall receive a higher annual salary than is allowed by the Acts of the Legislature for the office to which he is appointed; nor shall any such salaries be paid until voted by the Legislature.

14. The salary or pay allowed to any such officer or person as aforesaid shall be in lieu of all fees, allowances or emoluments of any kind whatsoever, except actual and authorized disbursements made on account of the Government service, shares of seizures, forfeitures and penalties; and no such officer or person, receiving a salary at or exceeding one thousand dollars per annum, shall exercise any other calling, profession, trade or employment whatsoever, with a view to derive profit therefrom, directly or indirectly, or shall hold any other office or profit whatsoever.

15. No officer or person regularly employed in the collection or management of the revenue, or in accounting for the same, shall, while he remains such officer or so employed, be compelled to serve in any pub-

lie office, or in any municipal or local office, or on any jury or inquest.

16. Every person appointed to any office or employment relative to the collection or management of the revenue, or to the accounting for the same, shall, upon his admission to such office or employment, take, before such officer as the Governor in Council appoints to receive the same, an oath in the form following, that is to say:—

“I, A. B., do swear to be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge by my appointment as . . . , and that I will not require, take or receive any fee, perquisite, gratuity or reward, or emolument, whether pecuniary or of any sort or description whatever, either directly or indirectly, for any service, act, duty, matter or thing done or performed, or to be done or performed, in the execution or discharge of any of the duties of my said office or employment, on any account whatsoever other than my salary, or what shall be allowed me by law. So help me God.”

17. The several officers appointed as aforesaid shall enter into and give such security by bond or otherwise to His Majesty, with sureties for the due collection and safe keeping of such public moneys as may come into their hands, and for their good conduct in their respective offices and employment, as the Governor in Council shall deem reasonable and necessary.

18. The Governor in Council may, from time to time, make such division of the Colony into ports, revenue districts, or otherwise as are required with regard to the collection or management of the revenue, and may assign the officers or persons by whom any duty or service relative to any such purpose shall be performed within or for any such district or division, and the places within the same where such duty or service shall be performed, and make all such regulations concerning such officers and persons, and the conduct and management of the business to them entrusted, as are consistent with the law and as he deems expedient for carrying it into effect in the manner best adapted to promote the public good; and any general regulation or order made by the Governor in Council for any purpose whatsoever for which an order or regulation may be so made under the provisions of this Chapter, shall apply to each particular case within the intent and meaning of such general regulation or order as fully and effectually as if the same had been made with reference to such particular case, and the officers, functionaries or persons concerned had been specially named therein.

19. (1) Every person employed on any duty or service relating to

the collection or management of the revenue by the order or with the concurrence of the Governor in Council, shall be deemed to be the proper officer for that duty or service; and every act, matter or thing required by any law in force to be done or performed by, to or with any particular officer nominated for that purpose in such law, which is done or performed by, to or with any person appointed or authorized by the Governor in Council to act for or on behalf of such particular officer, shall be deemed to be done or performed by, to or with such particular officer.

(2) Every act, matter or thing required by any law at any time in force to be done or performed at any particular place within any port, or within any other such district or division of the Colony as aforesaid, which is done or performed at any place within such port, district or division appointed by the Governor in Council for such purpose, shall be deemed to be done or performed at the particular place so required by law.

20. Any officer or person employed in the collection of, management of, or accounting for any branch of the revenue may be employed in the collection of, management of or accounting for any other branch thereof whenever it is deemed advantageous for the public service to so employ him.

21. The Governor in Council may from time to time appoint the hours of the general attendance of the officers and persons employed in the collection and management of the revenue at their proper offices and places of employment, and may also appoint the time during such hours, or the seasons of the year, at which any particular portions of the duties of such officers or other persons shall be performed by them respectively; and a notice of the hours of the general attendance so appointed shall be kept constantly posted up in some conspicuous place in such offices and places of employment.

COMPTROLLER AND AUDITOR GENERAL.

22. The Governor may, for the control and the more complete examination of the public accounts of the Colony, and for the reporting thereon to the House of Assembly, appoint an officer under the Great Seal of the Colony to be called the Comptroller and Auditor General of the Colony. He shall also have the power of personally inspecting and examining, should he deem it necessary, the account books of outport Customs and Post Office officials, of Road Boards and of Relieving Officers, including the pauper lists of such Relieving Officers. And such officer shall be paid out of the Consolidated Revenue Fund a salary of two thousand dollars.

23. The Comptroller and Auditor General shall hold office during good behaviour, but shall be removable by the Governor on address of the Legislative Council and House of Assembly.

24. The Governor in Council shall from time to time appoint the officers, clerks and other persons in the office of the Comptroller and Auditor General.

25. (1) The Comptroller and Auditor General from time to time make orders and rules for the conduct of the internal business of his office. He may also prescribe regulations and forms for the guidance of principal and sub-accountants in making up and rendering their periodical accounts for examination: Provided always, that all such regulations and forms shall be approved by the Treasury Board previously to the issue thereof.

(2) The Comptroller and Auditor General may suspend, pending the decision of the Governor in Council, any of the officers, clerks and others employed in his office.

(3) In any case in which the Comptroller and Auditor General deems it necessary to report for the information of the Governor in Council, such report shall be addressed to the Minister of Finance and Customs.

HOW PUBLIC MONEYS SHALL BE DEALT WITH.

26. All public moneys, from whatever source of revenue derived, shall be paid to the credit of the Newfoundland Exchequer Account, through officers, banks or persons, and in such manner as the Minister of Finance and Customs from time to time directs and appoints.

27. The Governor in Council may from time to time appoint the times and modes in which any officer or person employed in the collection or management of or the accounting for any part of the revenue shall account for and pay over the public moneys which come into his hands, and may determine the times and modes in which and the officer by whom any licenses on which any duty is payable are to be issued: Provided that such accounts and payments shall be rendered and made by such officers and persons respectively at least once every month.

28. The Minister of Finance and Customs, the Postmaster General, Assistant Collector, and all Ministers, deputies of Ministers, officers, clerks or persons charged with the receipt of public moneys, shall cause the gross revenues of their several departments or offices to be paid at such times and under such regulations as the Minister of Finance and Customs from time to time prescribes to an account to be called "The New-

foundland Exchequer Account," at such bank or banks as are determined by the Minister of Finance and Customs, and daily accounts of such moneys so deposited shall be rendered to the Comptroller and Auditor General in such form as the Treasury Board prescribes: Provided that such sums as may be required to pay drawbacks, over-entries, commission on light dues, commission on the sale of revenue and postage stamps, and other reimbursements of a like kind for which no vote of the Legislature is taken, may under an Order in Council be deducted from such gross revenues, and shall be allowed by the Comptroller and Auditor General, on production to him of a proper certificate or voucher satisfactory to the Comptroller and Auditor General therefor.

29. Every officer of the Customs or otherwise employed in the collection of the revenue, other than those mentioned in the next preceding section, receiving money for the Crown, shall remit the same to the Minister or Deputy Minister of the Department to which he is attached, and every such officer shall keep his cash book written up daily; and all the books, accounts and papers shall at all times during office hours be open to the inspection and examination of the Comptroller and Auditor General, or of any officer or person whom the Minister of Finance and Customs authorizes to inspect and examine the same; and weekly accounts of all moneys deposited, together with the bank receipts for the same shall be rendered to the Comptroller and Auditor General in such form as the Treasury Board prescribes.

PROCEEDINGS AS TO VOTES OF MONEY.

30. When any sum of money has been granted to His Majesty by a resolution of the House of Assembly or by any Act of the Legislature to defray expenses for any public service, the Governor may, from time to time, under his sign manual, countersigned by a member of the Treasury Board, authorize and require the Minister of Finance and Customs to issue out of the moneys appropriated for defraying the expenses of such services and in his hands the sums required from time to time to defray such expenses not exceeding the amount of the sum voted or granted.

31. (1) When any sum of money has been granted to His Majesty by a resolution of the House of Assembly or by an Act of the Legislature to defray expenses for any specified public services, and as soon as the Governor has issued his warrant authorizing the payment of such sum or sums as are required to defray such expenses and the expenditure of such sum or sums has been assigned to the several departments, the Minister of Finance and Customs and the Comptroller and Auditor General, or their respective

deputies, may together, from time to time, cause credits to be issued in favour of the deputy head and the accountant of the department, or of two officers, clerks or other persons connected with a department or service charged with the expenditure of any part of the moneys so authorized and assigned. Such credits shall issue on the several banks authorized to receive public moneys; and statements in duplicate of moneys drawn from such credits, together with the cheques paid by the banks in connection therewith, shall be rendered at such times and under such forms and once in each month or more often, as the Treasury Board directs; one duplicate of such statement, together with the cheques, to be rendered to the Comptroller and Auditor General, and the other duplicate to the Minister of Finance and Customs, whereupon the Comptroller and Auditor General, being satisfied of the correctness of the statement, may certify that a cheque issue to reimburse the banks for such advances under such credit—such cheque to be signed by the Minister of Finance and Customs and countersigned by the Comptroller and Auditor General or their respective deputies or officers thereunto duly authorized; but no such credit shall issue in favor of any officers or other person in excess of the appropriation authorized and assigned as above, or when, in using previous credits, the applicants have disobeyed an Act of the Legislature or other valid regulations.

(2) These credits shall be used only for such class or classes of payments as the Comptroller and Auditor General may direct.

(3) If the Comptroller and Auditor General notify one of the persons in whose names a credit has been issued, that such credit is not to be used for any specific purpose, such credit shall not be used for such purpose, but for any payment to be made for such purpose a direct cheque on the Newfoundland Exchequer Account shall be applied for.

32. The Comptroller and Auditor General shall see that no cheque issues for the payment of any public money for which there is no direct legislative appropriation, or in excess of any portion of such appropriation the expenditure of which has been authorized by the Governor in Council; and he shall report to the Treasury Board any case in which any accountable credit has been used for any purpose for which the Comptroller and Auditor General would not have approved an application for cheque on the Newfoundland Exchequer Account.

33. (1) No cheque for public money shall issue except upon the certificate of the Comptroller and Auditor General that there is authority for the expenditure, save only in the following cases:—

- (a) If, upon any application for a cheque, the Comptroller and Auditor General has reported that there is no legislative authority for issuing it, or that it would be illegal to do so, then, upon the written opinion of the Attorney General of the Colony that there is such authority or that it would be legal to do so, citing the authority and giving reasons for the opinion, the Treasury Board may authorize the preparation of the cheque, irrespective of the report of the Comptroller and Auditor General, who shall thereupon sign it.
- (b) If, when the Legislature is not in session, any accident happens to any public work or public building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen and provided for by the Legislature is urgently and immediately required for the public good, then, upon the report of the Minister of Finance and Customs that there is no legislative provision and of the Minister having charge of the service in question that the necessity is urgent, the Governor in Council may order a special warrant to be prepared, to be signed by the Governor, for the issue of the amount estimated to be required, which shall be placed by the Minister of Finance and Customs to a special account, against which cheques may issue from time to time in the usual form as they are required.
- (c) If the Comptroller and Auditor General has refused to certify that a cheque of the Minister of Finance and Customs may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by Council, or for any reason other than that there is no parliamentary authority, then, upon a report of the case prepared by the Comptroller and Auditor General and the Deputy office of the Minister of Finance, the Treasury Board shall be the judge of the sufficiency of the Comptroller and Auditor General's objection, and may sustain him or order the issue of the cheque in its discretion.
- (2) The Comptroller and Auditor General shall in all such cases prepare a statement of all such legal opinions, reports of Council, special warrants and cheques issued without his certificate, and of all expenditure incurred in consequence thereof, which he shall deliver to the Minister of Finance

and Customs, to be by him presented to the Legislature not later than the third day of the session thereof next ensuing.

34. No payment shall be authorized by the Comptroller and Auditor General in respect of work performed or material supplied by any person in connection with any part of the public service of the Colony, unless, in addition to any other voucher or certificate which is required in that behalf, the officer under whose special charge such part of the public service is, certifies that such work has been performed or such material supplied, as the case may be, and that the price charged is according to contract, made after public advertisement for tenders, or, if not covered by a contract as described, is fair and just. The proper officers to make these certificates are those who have personal knowledge of the facts of the case.

- (2) No payment shall be authorized by the Comptroller and Auditor General in respect of work for which the Government did not become responsible before the completion of it, unless the work was devoted to saving the property of the Government in an emergency.
- (3) No payment shall be authorized by the Comptroller and Auditor General for work, plainly provided for under contract, in excess of the amount for which the Government is liable under the contract, even if certified by an engineer or other employee as an extra.
- (4) No payment shall be authorized by the Comptroller and Auditor General in excess of what the contract calls for, for any work in and under the contract, to any contractor who has finished his work under the contract.
- (5) No payment shall be authorized by the Comptroller and Auditor General for the payment of expenses incurred by officers in the employ of the Government while travelling on Government business, unless the voucher for the same bears the following certificate, *i.e.*, "The whole of the expenditure stated in the foregoing account was incurred on Government business." The said certificate to be signed by officer who has incurred the expense.
- (6) No payment shall be authorized by the Comptroller and Auditor General for any extra salary or additional remuneration of any kind whatsoever, purporting to be payable to any deputy head, officer, or employee of the Government, or to

any other person permanently employed in the public service.

- (7) If an official of any department, dealing with a claim against the Government, knows that the claimant is indebted to the Government, whether the indebtedness is of record in the department or not, he will take no part in the payment of the claim against the Government, except to the extent that the amount due by the Government exceeds that due it.
- (8) The Comptroller and Auditor General may require the production of any public document connected with any expenditure which is before him for examination.

ANNUAL ACCOUNTS FOR LEGISLATURE AND AUDIT OF ACCOUNTS.

35. The public accounts of the Colony shall be kept by double entry in the department of the Minister of Finance and Customs; and an annual statement shall be prepared as soon as possible after the termination of each fiscal year, exhibiting the state of the public debt and the amount chargeable against each of the public works for which any part of the debt has been contracted; also, the state of the Consolidated Revenue Fund and the various trusts and special funds under the management of the Government of the Colony, and such other accounts and matters as are required to show what the liabilities and assets of the Colony really are at the date of such statement.

36. The Minister of Finance and Customs shall cause an account to be prepared and transmitted to the Comptroller and Auditor General, on or before the thirty-first day of December in each year, showing the issues made from the Consolidated Revenue Fund in the financial year ended on the thirtieth day of June preceding, for the services directly under his control; and such accounts and the reports of the Comptroller and Auditor General thereon shall be laid before the House of Assembly by the Minister of Finance and Customs on or before the thirty-first day of January in the following year, if the Legislature is then sitting, and, if not sitting then, within one week after the Legislature is next assembled.

37. The Deputy of the Minister of Finance and Customs shall prepare and submit to the Minister of Finance and Customs the public accounts to be annually laid before the Legislature.

38. The public accounts shall include the period from the thirtieth of June in one year to the thirtieth of June in the next year, which period

shall constitute the financial year; all estimates submitted to the Legislature shall be for the services coming in course of payment during the financial year, and all balances of appropriation which remain unexpended at the end of the financial year shall lapse and be written off: Provided that any account which was payable on or before the end of the financial year may be paid on or before the thirtieth day of September succeeding; and all balances of appropriation which remain unexpended at the end of September shall lapse and be written off.

39. On or before the thirty-first day of December in every year accounts of the appropriation of the several supply grants comprised in the Public Service Act for the year ending thirtieth June then last, or in any other Act, shall be prepared by the several departments and be transmitted for examination to the Comptroller and Auditor General and to the Deputy Minister of Finance and Customs, and, when certified and reported upon as hereinafter directed, they shall be laid before the House of Assembly; and such accounts shall be called the "Appropriation Accounts" of the moneys for the services to which they respectively relate; and the Comptroller and Auditor General shall certify and report upon such accounts as hereinafter directed; and each account shall be examined under the direction of the Comptroller and Auditor General by such officer or clerk in his office as he directs; and such officer or clerk shall certify to the due examination of such account, and the Comptroller and Auditor General shall certify that the account has been examined under his direction and is correct.

40. The department charged with the expenditure of any vote, under the authority of the Governor in Council, shall prepare the appropriation account thereof.

41. The department charged with the duty of preparing the appropriation account of a grant shall, if required so to do by the Comptroller and Auditor General, transmit to him, together with the annual appropriation account of such grant, a balance sheet so prepared as to show the debtor and creditor balances in the ledger of such department on the day when the said appropriation account was closed, and to verify the balances appearing upon the annual appropriation account, and any balances outstanding in the hands of any person or persons unexpended or unaccounted for at such a period shall be accounted for and settled as soon thereafter as practicable, but not later than the termination of the next succeeding fiscal year.

42. The Treasury Board may alter the period at or to which any

accountant for public moneys, public officer, corporation or institution is required to render any account or to make any return, whenever in its opinion such alteration will facilitate the correct preparation of the public accounts or estimates for the financial year.

43. The deputy heads of the several departments, or the officers, clerks, or other persons charged with the expenditure of public moneys, shall respectively audit the details of the accounts of the several services in the first instance, and be responsible for the correctness of such audit.

44. Every appropriation account, when rendered to the Comptroller and Auditor General shall be accompanied by an explanation showing how the balances on the grants included in the previous account have been adjusted, and shall also contain an explanatory statement of any excess of expenditure over the grants included in such account, and such statement, as well as the appropriation account, shall be signed by the deputy head and the accountant or such other duly authorized officer of each department as the Treasury Board determines.

45. Every appropriation account shall be examined by the Comptroller and Auditor General, on behalf of the House of Assembly; and in the examination of such accounts, the Comptroller and Auditor General shall ascertain first, whether the payments which the accounting department has charged to the grant are supported by vouchers or proofs of payment; and, second, whether the money expended has been applied to the purposes for which such grant was intended to provide: Provided always, that whenever it appears to the Minister of Finance and Customs that the expenditure included or to be included in any appropriation account, or any portion of such expenditure, calls for further examination, he may instruct the Comptroller and Auditor General to so examine such expenditure and to report to the Minister of Finance and Customs thereon; and if the Minister of Finance and Customs does not thereupon see fit to sanction such expenditure, it shall be regarded as being not properly chargeable to the Legislative grant and shall be reported to the House of Assembly in the manner hereinafter provided.

46. The Comptroller and Auditor General or any of his staff may, in order that audit of the appropriation accounts may be facilitated, and that it may as far as possible proceed *pari passu* with the cash transactions of the several accounting departments, have free access at all convenient times to the books of accounts and other documents relating to the accounts of such departments, and may require the several departments concerned to furnish him from time to time, or at regular periods, with ac-

counts of the cash transactions of such departments respectively up to such times or periods.

47. In conducting the examination of the vouchers relating to the appropriation of the grants for the several services sanctioned by the Public Service Act of the year or by any Act of the Legislature, the Comptroller and Auditor General shall test the accuracy of the additions and computations of the several items of such vouchers; but if he is satisfied that the accounts bear evidence that the vouchers have been completely checked, examined and certified as correct in every respect, and that they have been allowed and passed by the proper departmental officers, he may admit the same as satisfactory evidence of payment in support of the charges to which they relate: Provided always, that if the Minister of Finance and Customs desires any such vouchers to be examined by the Comptroller and Auditor General in greater detail, the Comptroller and Auditor General shall cause such vouchers to be subjected to such further examination in detail as the Minister of Finance and Customs thinks fit to prescribe.

48. If during the progress of the examination by the Comptroller and Auditor General hereinbefore directed, any objection arises to any item to be introduced into the appropriation account of any grant, such objections shall, notwithstanding such account has not been rendered to him, be immediately communicated to the department concerned; and if the objections are not answered to his satisfaction by such department, he shall disallow the item or make such change as appears to him proper, subject to an appeal to the Treasury Board.

49. In reporting as hereinbefore directed for the information of the House of Assembly the result of the examination of the appropriation accounts, the Comptroller and Auditor General shall call attention to every case in which cheques have been issued on his being over-ruled by the Treasury Board, or in which a grant has been exceeded, or in which money received by a Department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the directions of the Legislature, or in which a sum charged against a grant is not supported by proof of payment, or in which a payment so charged did not occur with the period of the account, or was for any other reason not properly chargeable against the grant, or was in any way irregular.

50. If the Minister of Finance and Customs does not within the time prescribed by this Chapter, present to the House of Assembly any report made by the Comptroller and Auditor General on the appropria-

tion accounts, or on any other accounts, the Comptroller and Auditor General shall forthwith present such report through the Speaker.

51. Besides the appropriation accounts of the grants of the Legislature, the Comptroller and Auditor General shall examine and audit, in accordance with any regulations which are prescribed for his guidance in that behalf by the Treasury Board, the following accounts, viz.: the accounts of all receipts of revenue forming the Consolidated Revenue Fund of the Colony, the accounts current with the several banks and financial agents of the Colony, the accounts relating to the issue or redemption of loans, the accounts with the Government of the United Kingdom, and all other public accounts.

52. The accounts which by the next preceding section are subjected to the examination of the Comptroller and Auditor General, shall be rendered to him by the departments or officers directed to do so by the Treasury Board; and the expression "Accountant," when used in this and the following sections of this Chapter with reference to any such accounts, means the department or officer that is so required by the Treasury Board to render the same, and every public officer into whose hands public moneys, either in the nature of revenue or fees of office, are paid by persons bound by law or regulations so to do, or by subordinate or other officers whose duty it is to pay such moneys, wholly or in part, into the Newfoundland Exchequer Account or to apply the same to any public service, shall, at such times and in such form as the Treasury Board determines, render an account of his receipts and payments to the Comptroller and Auditor General; and the clerk of the Executive Council shall inform the Comptroller and Auditor General of the appointment of every such officer.

53. The Comptroller and Auditor General shall examine the several appropriation accounts with as little delay as possible, and when the examination of each account is completed, if it appears that the accountant is "even and quit," the Comptroller and Auditor General shall sign and pass such account.

54. As soon as any account has been signed and passed by the Comptroller and Auditor General, he shall transmit to the accountant a certificate in which the total amount of the sums forming respectively the charge and discharge of such account, and the balance, if any, remaining due to or by such accountant, shall be set forth; and every such certificate shall be signed by him and shall be valid and effectual to discharge the accountant as the case may be, either wholly or from so much of the

amount with which he was chargeable, as he appears by such certificate to be discharged from: Provided always that when any account, not being an account current, has been signed and passed by the Comptroller and Auditor General with a balance due thereon to the Crown, he shall not make out or grant any such certificate as aforesaid until the accountant satisfies him that he has discharged the full amount of such balance and any interest which is as hereinafter provided payable thereon.

55. Whenever the Comptroller and Auditor General is required by the Minister of Finance and Customs to examine and audit the accounts of the receipt, expenditure, sale, transfer or delivery of any securities, stamps, Newfoundland or other Government stock or annuities, provisions or stores, the property of His Majesty, he shall, after the examination of such accounts has been completed, transmit a statement thereof or a report thereon to the Minister of Finance and Customs; and the Comptroller and Auditor General shall thereupon transmit to the accountant a certificate in a form to be from time to time determined by the Comptroller and Auditor General, which shall be to such accountant a valid and effectual discharge from so much as he thereby appears to be discharged from.

56. The Comptroller and Auditor General may examine any person on oath or affirmation on any matter pertinent to any account submitted to him for audit; and such oath or affirmation may be administered by him to any person whom he desires to examine.

57. The Comptroller and Auditor General may apply to any Judge of the Supreme Court for an order that a *subpoena* be issued from the Court commanding any person therein named to appear before him at the time and place mentioned in such *subpoena*, and then and there to testify to all matters within his knowledge relative to any account submitted to him, and (if so required) to bring with him and produce any document, paper or thing which he has in his possession relative to any such account as aforesaid, and the judge may order such *subpoena* to issue, and the same shall issue accordingly; and any such witness may be summoned from any part of the Colony, and any reasonable expenses shall be tendered to any witness so subpoenaed at the time of such service.

58. If by reason of the distance at which any person, whose evidence is required by the Comptroller and Auditor General, resides from the seat of Government, or for any other cause, the Comptroller and Auditor General deems it advisable, he may issue a commission under his hand and seal to any officer or person therein named, empowering him to take

such evidence and report the same to him; and such officer or person, being first sworn before some Justice of the Peace faithfully to execute the duty entrusted to him by such commission, shall, with regard to such evidence, have the same powers as the Comptroller and Auditor General would have had if such evidence had been taken before him, and may in like manner apply to and obtain from any Justice of the Peace a *subpoena* for the purpose of compelling the attendance of any person, or the production of any document, paper or thing before him; and the said Justice may order such *subpoena* to issue, and the same shall issue accordingly, or such *subpoena* may issue on the application of the Comptroller and Auditor General to compel such attendance, or the production of any document, paper or thing before such commissioner.

59. Every person summoned in the manner hereinbefore provided to attend before the Comptroller and Auditor General, or any commissioner appointed as aforesaid, who fails, without valid excuse, to attend accordingly, or being commanded to produce any document, paper or thing in his possession, fails to produce the same, or refuses to be sworn or to answer any lawful and pertinent question put to him by the Comptroller and Auditor General or by such commissioner, shall, for each such offence, forfeit the sum of one hundred dollars to the Crown, for the public uses of the Colony, to be recovered in any manner in which debts due to the Crown are recoverable, and may likewise be dealt with by the court out of which the *subpoena* issued as a person who has refused to obey the process of such court, and who is guilty of a contempt thereof.

60. Every accountant, on the termination of his charge as such accountant, or in the case of a deceased accountant, his representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same; and whenever it appears to the Comptroller and Auditor General that balances of public money have been improperly and unnecessarily retained by an accountant, he shall report the circumstances of such cases to the Minister of Finance and Customs, who shall take such measures as to him seems expedient for the recovery, by legal process or by other lawful ways and means, of the amount of such balance or balances, together with interest upon the whole or upon such part of such balance or balances for such period of time and at such rates as to the Minister of Finance and Customs appear legal and reasonable.

LIABILITY OF ACCOUNTANTS—CIVILLY.

61. Every officer or person who refuses or neglects to transmit any account, statement or return, with his proper vouchers, to the officer or

department to whom he is lawfully required to transmit the same, on or before the day appointed for the transmission thereof, shall, for such refusal or neglect, forfeit and pay to the Crown for the public uses of the Colony, the sum of one hundred dollars, recoverable, with costs, as a debt due to the Crown, and in any court and in any way in which debts to the Crown are recoverable; and in any action for the recovery of such sum it shall be sufficient to prove, by any one witness or other evidence, that such account, statement or return ought to have been transmitted by the defendant as alleged on the part of the Crown, and the burden of proof that the same was so transmitted shall rest upon the defendant.

62. Whenever the Minister of Finance and Customs has reason to believe that any officer or person has received money for the Crown, or for which he is accountable to the Crown, or has in his hands any public money applicable to any purpose, and has not paid over or duly applied and accounted for the same, he may direct a notice to such officer or person, or to his representative in case of his death, requiring him, within a time to be therein named from the service of such notice, to pay over or apply and account for such money to the Minister of Finance and Customs or to the officer mentioned in the notice, and to transmit to him the proper vouchers that he has so done.

63. If any officer or person fails to pay over, apply or account for any such money, and to transmit such vouchers as aforesaid, within the time limited by the notice served on him, the Minister of Finance and Customs shall state an account as between such officer or person and the Crown in the matter to which the notice relates, charging interest from the service thereof, and shall deliver a copy thereof to the Attorney General of the Colony; and such copy shall be sufficient evidence to support any information or other proceeding for the recovery of the amount therein shown to be in the hands of the defendant as a debt due to the Crown, saving to the defendant the right to plead and give in evidence all such matters as are legal and proper for his defence; and the defendant shall be liable for the costs of such information or proceeding, whatever the judgment therein is, unless he proves that, before the time limited in such notice, he paid over or applied and duly accounted for money therein mentioned, and transmitted the proper vouchers with such account, or unless he is sued for the same in a representative character and is not personally liable for such money or to render such account.

64. Whenever any such officer or person as aforesaid has transmitted an account, either before or after notice as aforesaid, but without

vouchers, or with insufficient vouchers for any sum for which he therein takes credit, the Minister of Finance and Customs may notify such officer or person, in the manner mentioned in the next preceding section but one, to transmit vouchers, or sufficient vouchers, within such period as the Minister of Finance and Customs deems fit after the service of the notice; and if such vouchers are not transmitted within that time the Minister of Finance and Customs may state an account against such officer or person, disregarding the sums for which he has taken credit, but for which he has transmitted no vouchers or insufficient vouchers, and may deliver a copy of such account to the Attorney General of the Colony; and such copy shall be sufficient evidence to support an information or other proceeding for the recovery of the amount therein shown to be in the hands of the defendant, saving to the defendant the right to plead and give in evidence all such matters as are legal and proper for his defence; but such defendant shall be liable for the costs of the information or proceeding, whatever the judgment therein is, unless the vouchers by him transmitted within the time limited by the notice served on him, or before such service, are found of themselves sufficient for his defence and for his discharge from all sums demanded of him.

65. If at any time it clearly appears, by the books or accounts kept by or in the office of any officer or person employed in the collection or management of the revenue, or in accounting for the same, or by his written acknowledgment or confession that such officer or person has, by virtue of his office or employment, received moneys belonging to His Majesty, and amounting to a sum certain, which he has refused or neglected to pay over to the officer duly appointed to receive the same, and in the manner and at the time lawfully appointed, then upon affidavit of the facts, by any officer cognizant thereof, and thereunto authorized by the Governor in Council, made before a Justice or Judge of any Court having jurisdiction in civil matters to the amount of the sums so ascertained as aforesaid, such Justice or Judge shall cause to be issued against and for the seizure and sale of the goods, chattels and lands of the officer or person so in default as aforesaid, such writ or writs as might have issued out of such Court if the bond given by him had been put in suit and judgment had been thereupon obtained in favor of Her Majesty for a like sum and any delay by law allowed between judgment and execution had expired; and such writ or writs shall be executed by the sheriff or other proper officer; and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall be had as if such judgment as aforesaid had been actually obtained.

66. Whenever any estate belonging to a public accountant is sold

under any writ of extent or any decree or order of any Court of Record, and the purchaser thereof, or of any part thereof, has paid his purchase money into the hands of any public accountant authorized to receive the same, such purchaser shall be wholly exonerated and discharged from all further claims of His Majesty for or in respect of any debt arising upon the account of such accountant, although the purchase money so paid is not sufficient in amount to discharge the whole of such debt.

67. If any officer or person has received public money for the purpose of applying it to any specific purpose, and has not so applied it within the time or in the manner provided by law, or if any person having held any public office and having ceased to hold the same has in his hands any public money received by him as such officer for the purpose of being applied to any specific purpose to which he has not so applied it, such officer or person shall be deemed to have received such money for the Crown for the public uses of the Colony, and may be notified by the Treasury Board to pay such sum back to the Minister of Finance and Customs; and the same may be recovered from him as a debt due to the Crown in any manner in which debts due to the Crown are recoverable; and an equal sum may in the meantime be applied to the purpose to which such sum ought to have been applied.

68. If by reason of any malfeasance, or in any gross carelessness or neglect of duty by an officer or person employed on the collection or management of the revenue, or in collecting or receiving any money belonging to the Crown for the public uses of the Colony, any sum of money is lost to the Crown, such officer or person shall be accountable for such sum as if he had collected and received the same; and it may be recovered from him on proof of such malfeasance, gross carelessness or neglect, in like manner as if he had so collected and received it.

69. Nothing in this Chapter shall weaken or impair any remedy which the Crown has for recovering or enforcing the payment or delivering of any money or property belonging to the Crown for the public uses of the Colony, and in the possession of any officer or person whomsoever by virtue of any other Act or law.

LIABILITY CRIMINALLY.

70. Every officer or person acting in any office or employment connected with the collection or management of the revenue who—

- (a) Receives any compensation or reward for the performance of any official duty except as by law prescribed; or

- (b) Conspires or colludes with any other person to defraud the Crown, or makes opportunity for any person to defraud the Crown; or
- (c) Designedly permits any violation of the law by any other person; or
- (d) Wilfully makes or signs any false entry in any book, or wilfully makes or signs any false certificates or return in any case in which it is his duty to make an entry, certificate, or return; or
- (e) Having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the Crown under any revenue law of the Colony, fails to report in writing such knowledge or information to his next superior officer; or
- (f) Demands or accepts, or attempts to collect directly or indirectly, as payment or gift, or otherwise, any sum of money or anything of value for the compromise, adjustment or settlement of any charge or complaint for any violation, or alleged violation, of law, except as expressly authorized to do by law or by the authority of the department of which he is an officer,—

shall be dismissed from office and is guilty of a misdemeanor, and shall, on conviction, be liable to a fine not exceeding five hundred dollars, and to imprisonment for any term not exceeding one year.

71. Every person who directly or indirectly promises, offers or gives, or causes or procures to be promised, offered or given, any money, goods, right in action, bribe, present or reward, or any promise, or any contract, undertaking, obligation or security for the payment or delivery of any money, goods, right in action, bribe, present or reward, or any other valuable thing whatever, to any officer, or any person acting in any office or employment connected with the collection or management of the revenue, with intent—

- (a) To influence his decision or action on any question or matter which is then pending or may by law be brought before him in his official capacity; or,
- (b) To influence such officer or person to commit, or aid or abet in committing, any fraud on the revenue, or to connive at, collude in, or allow or permit any opportunity for the com-

mission of any such fraud; and every officer or person who in any wise accepts or receives any such moneys, goods, right in action, bribe, present or reward, or any promise, contract, undertaking, obligation or security, for the payment thereof, or any other valuable thing whatever, or any part of the same respectively, is guilty of a misdemeanor, and liable on conviction to a fine not exceeding three times the amount so offered or accepted, and to imprisonment for any term not exceeding one year; and every officer or person who holds any office or place under the Crown and is convicted under this section shall forfeit his office or place; and any person who is convicted under this section shall be forever disqualified to hold any office of trust, honour or profit under the Crown.

72. Every officer and every person acting in any office or employment connected with the collection of the revenue, who is or becomes directly or indirectly interested in the manufacture or production of any article subjected to excise, or who trades in any article subject to excise duties, shall incur a penalty not exceeding five hundred dollars and not less than fifty dollars, which shall be recoverable in any Court of competent jurisdiction.

73. Nothing herein contained shall prevent, lessen, or impeach any remedy which His Majesty or any other person has against such offender or his sureties, or against any other person whomsoever; but, nevertheless, the conviction of any such offender shall not be received in evidence in any suit or action at law or in equity against him.

GENERAL PROVISIONS.

74. All books, papers, accounts and documents, of what kind soever, and by whom, and at whose cost soever the paper and materials thereof have been procured or furnished, kept or used by, or received or taken into possession of, any officer or person employed, or having been employed, in the collection or management of the revenue, or in accounting for the same by virtue of his employment as such, shall be deemed to be chattels belonging to His Majesty, and all moneys or valuable securities received or taken into his possession by virtue of his employment, shall be deemed to be moneys and valuable securities belonging to His Majesty.

75. Whenever proof on oath or by affirmation or declaration is required by any law relating to the collection or management of the revenue or to the accounting for the same, or is necessary for the satisfaction or

consideration of the Governor in Council in any matter relating to the collection or management of the revenue or to the accounting for the same, and no person or officer is specially named as the officer or person before whom the same is to be made, it may be made before any collector or chief officer of the Customs for the port or place where such proof is required, or before the persons acting for them respectively, or before such other officer or person as is appointed by the Governor in Council to receive the same; and such officer or persons shall administer such oath or affirmation or receive such declaration; and in any case or class of cases where an oath is required by this Chapter or by any law in force in any matter relating to the collection or management of the revenue or the accounting for the same, the Governor in Council may authorize the substitution for such oath of a solemn affirmation or of a declaration, which shall then avail to all intents and purposes as such oath would have done.

76. Upon all examinations and inquiries made by order of the Governor in Council for ascertaining the truth as to any fact relative to any matter concerning the collection or management of the revenue or the accounting for the same, or the conduct of officers or persons employed therein, and upon like examination and inquiries made by the Collector of Customs or by the chief officer employed in the collection and management of the revenue in or at any port, district or place, or by any officer or person authorized by the Governor in Council to make such examination and inquiries, any person to be examined as a witness shall deliver his testimony on oath, which oath shall be administered to him by the officer or person making the examination or inquiry.

77. Whenever an accountant is dissatisfied with any disallowance or charge in his accounts made by the Auditor General, such accountant may appeal to the Treasury Board, who, after such further investigation as they consider equitable, whether by *vice voce* examination or otherwise, may make such order directing the relief of the appellant, wholly or in part, from the disallowance or charge in question as appears to them to be just and reasonable; and the Comptroller and Auditor General shall govern himself accordingly.

78. No day shall be kept as a public holiday by the officers and persons employed in the collection and management of the revenue, except Christmas Day, New Year's Day and Good Friday in each year, any day appointed by proclamation of the Governor for the purpose of a general fast, or of a general thanksgiving, such days as are appointed for the celebration of the birthday of His Majesty and His Royal Successors, and

any other statutory holidays and such other days as are from time to time appointed as holidays by the Governor in Council.

REMISSION OF DUTIES, FORFEITURES, ETC.

79. The Governor in Council, whenever he deems it right and conducive to the public good, may remit any duty or toll payable to His Majesty, imposed and authorized to be imposed by an Act of the Colony, and relating to any matter within the scope of the powers of the Legislature thereof, or any forfeiture or pecuniary penalty imposed or authorized to be imposed by any such Act for any contravention of the laws relating to the collection of the revenue or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty is given by law to the informer or prosecutor, or to any other person; and such remission may be total or partial, conditional or unconditional, and may be granted either before or after or pending any suit or proceeding for the recovery of any duty, toll, penalty or forfeiture, and either before or after any payment thereof has been made or enforced by process or execution; and such remission may be exercised by forbearance from instituting any suit or proceeding for the recovery of any duty, toll, penalty or forfeiture, or, if the same has been already instituted, then by delay, stay or discontinuance of any such suit or proceeding, or by the forbearance to enforce, or by the stay or abandonment of any execution or process upon any judgment, or by the entry of satisfaction upon any judgment, or by the refund of any sum of money paid to the Minister of Finance and Customs for such duty, toll, penalty or forfeiture, or whereof payment has been enforced by an execution or process upon any judgment as aforesaid: Provided always, that no duty of Customs or Excise, paid to His Majesty on any goods shall be remitted or refunded on account of such goods having, after the payment of such duties, been lost or destroyed by fire or other unavoidable accident.

- (1) If remission is conditional, the condition, if accepted by the person to whom the remission is accorded, shall be lawful and valid, and the performance thereof, or the remission only, if unconditional, shall have the same effect as if the remission had been made after the duty, toll, penalty or forfeiture had been sued for and recovered; and if the condition is not performed it may be enforced, or all proceedings may be had, as if there had been no remission.
- (2) No remission shall be made in any case, unless such case has been considered and the remission, whether total or partial, conditional or unconditional, has been recommended by the

Treasury Board and sanctioned and ordered by the Governor in Council.

- (3) A detailed statement of all remissions and refunds of any tolls or duties shall be annually submitted to both Houses of the Legislature, within the first fifteen days of the next ensuing session thereof.

80. If the Governor in Council directs that the whole or any part of any penalty imposed by law relating to the revenue be remitted or returned to the offender, such remission or return shall have the effect of a pardon for the offence for which the penalty is incurred, which shall thereafter have no legal effect prejudicial to the person to whom such remission is granted.

81. The Attorney General of the Colony may sue for and recover in His Majesty's name any penalty, or enforce any forfeiture imposed by any law relating to the revenue, before any Court or other judicial authority before which such penalty or forfeiture is recoverable or enforceable under such law, may direct the discontinuance of any suit in respect of any such penalty or forfeiture by whom or in whose name soever the same has been brought; and the whole of the penalty or forfeiture, when recovered or enforced, shall belong to His Majesty for the public uses of the Colony, unless the Governor in Council, as he may do if he sees fit, allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture has been recovered or enforced.

CHAPTER 24.

Of Payment of Certain Fees and Charges by Stamps.

SECTION

- 1.—Interpretation—"fee," "instrument."
- 2.—Governor in Council to assume charge of fees.
- 3.—Governor in Council may direct preparation of stamps.
- 4.—Governor in Council may direct design, &c., of stamps.
- 5.—Stamps to be used in payment of fees.
- 6.—Mode of payment by stamps.
- 7.—Searches.
- 8.—Officers of public departments not to file, &c., unstamped instruments.
- 9.—Money not to be paid in respect of instruments.
- 10.—Instruments not duly stamped invalid.
- 11.—Officers, &c., not to act on instrument if unstamped.
- 12.—Unstamped instrument not to be received, &c., in Court.
- 13.—Instrument stamped for one purpose may not be used for another.

SECTION

- 14.—Court, &c., to take judicial notice of want of stamp.
- 15.—Court may give leave to stamp instrument.
- 16.—Effect of stamping after leave.
- 17.—Officer inspecting offices may order instrument to be stamped; Officer to cancel stamps.
- 18.—Cancellation of stamps.
- 19.—Receiver General to procure stamp.
- 20.—Discount may be allowed.
- 21.—Allowance may be made for stamp spoilt or unused.
- 22.—Penalty for issuing, &c., unstamped instruments.
- 23.—Penalty for not cancelling stamp.
- 24.—Receiver General may grant license to deal in stamps; Licensee to give security.
- 25.—Penalty for unlicensed person selling stamps.
- 26.—Recovery of fines.
- 27.—Forgery, &c.
Schedule.

1. In this Chapter the expression "fee" or "fees" means any charge of what nature and kind soever payable for, upon or in respect of any of the matters, things, documents, acts or transactions in respect of which any fee is payable under or by virtue of the Chapters in the Schedule hereto. The expression "instrument" means any affidavit, writ, process, notice, rule, order, judgment, certificate, deed, grant, lease, license, document, or other paper-writing or thing, in respect of which any fee is payable under or by virtue of the Chapters in the Schedule hereto.

2. The Governor in Council shall take and assume charge and control of the fees payable under the enactments specified in the Schedule to this Chapter, and shall have absolute control and management thereof.

3. The Governor in Council may from time to time, by order in Council, direct stamps to be prepared for the purposes of this Chapter, which stamps shall be of the same kind but of different denominations as convenience or the amount of the fees by this Chapter required to be paid in stamps may from time to time require.

4. The Governor in Council may direct the design and form, and the color or colors of the stamps, and the different denominations thereof,

to be issued, and from time to time, as is found or considered expedient, may alter or change the same.

5. The stamps shall be used in lieu and in payment of the fees payable under the Chapters mentioned in the Schedule hereto, and of all other fees which are due and payable, charged, levied or imposed upon any instrument under or by virtue of any law at present in force in this Colony, or which may hereafter become due and payable by virtue of any Act of the Legislature or otherwise.

6. The fees by this Chapter ordered to be paid by stamps shall be paid by affixing a stamp of the value of the amount of the fee to the instrument in respect of which such fee is due or payable, charged, levied or imposed.

7. Where a search is required to be made or any matter or thing to be done, in respect of which a fee is payable, and where it has not been customary to use any written or printed document or paper which could be stamped, the person requiring such search to be made or matter or thing to be done shall make application therefor to the proper officer by a *praeceipe* note or memorandum, which shall be stamped with stamps to the amount of the fee.

8. No officer of any public department shall file, receive, issue or deliver, or cause or permit to be filed, received, issued or delivered, in or out of his department, any instrument in respect of which a fee is payable, unless the same shall have been first duly stamped with stamps to the amount of such fee.

9. No money shall be paid to or received by any clerk or officer of any court, or any officer of any public department, for any fee due or payable in respect of any instrument for or in respect of which such fee is payable, charged, levied or imposed.

10. Every instrument upon which any fee is due or payable to the Crown, and which is not duly stamped, shall be invalid.

11. No sheriff or other officer or person shall serve or execute or act upon any instrument upon which any such fee or charge is due or payable to the Crown, and which is not duly stamped under the provisions hereof, and every such service, execution or proceeding made, taken, had or done in respect of any such instrument shall be null and void and no recompense shall be allowed therefor.

12. No instrument whatever, upon or in respect of which a fee is due or payable to the Crown, shall be received or acted upon by any Court or other authority, or by any clerk or officer, until stamped with stamps to the amount of such fee.

13. No instrument which has been duly stamped for one purpose shall be considered as stamped for any other purpose in case another fee or charge is due or payable thereon for any other or further use of the same instrument.

14. Where, in any Court of civil judicature, or before any arbitrator or referee, any action, matter or proceeding is pending in respect of which, or of any step or proceeding wherein any fee is payable, and such fee has not been paid by the affixing of a stamp to the instrument in respect of which such fee is payable, notice shall be taken by the Court, Judge, arbitrator or referee of the omission or insufficiency of such stamp, and no farther proceeding shall be had or taken, although no exception is taken to such omission or insufficiency by any of the parties, until such instrument shall have been duly stamped.

15. Any party to any action, matter or proceeding in which any instrument is tendered in evidence, which ought to be but is not duly stamped, may apply to the Supreme Court or a Judge thereof for leave to have such instrument duly stamped, and in case the provisions of this Chapter shall not have been knowingly and wilfully violated, leave shall be granted for the stamping of such instrument with stamps to the amount of the fee due thereon and to such additional amount as may be deemed reasonable by the Court or Judge .

16. The affixing of a stamp or stamps to any instrument under the preceding section shall have the same effect as if the instrument had been duly stamped in the first instance.

17. (1) Where any officer, inspecting offices under the authority of an order of the Governor in Council, finds an instrument which should have been stamped to be unstamped or insufficiently stamped, he may require the clerk, or officer to whom belonged the duty of seeing that the instrument was properly stamped, to affix to such instrument a stamp or stamps to an amount sufficient to make up the deficiency.

(2) Such inspecting officer shall cancel the stamps so affixed, and the affixing of such stamps shall have the same effect as if the instrument had been duly stamped in the first instance.

18. In every case in which a stamp or stamps has or have been, under the provisions of this Chapter, affixed to any instrument, it shall be the duty of the officer who issues or receives such instrument forthwith, upon the issue or upon the receipt thereof, to cancel the same by perforation or in such other manner as the Governor in Council may direct.

19. The Minister of Finance and Customs shall from time to time procure stamps for the purposes of this Chapter, and he shall keep an account of the numbers, denomination and amount thereof, and of the dates at which they are procured and delivered.

20. The Minister of Finance and Customs may (subject to the provisions hereinafter contained) allow to any person, who takes at any one time stamps to the amount of five dollars or over, a discount not exceeding five per centum.

21. The Governor in Council may from time to time make such regulations as may be deemed expedient for an allowance for such stamps issued under this Chapter as may have been spoiled or rendered useless, or for which the owner may have no immediate use, or which through mistake or inadvertence may have been improperly or unnecessarily used; and such allowance shall be made either by giving other stamps in exchange for the stamps so allowed for or by repaying the amount or value thereof to the person presenting the same, after deducting the discount, if any, allowed on the sale of stamps to the like amount.

22. Every person who knowingly issues or who knowingly receives, procures or delivers any instrument without a stamp for the amount of the fee payable thereon being first duly affixed thereto, shall be, subject, for the first offence, to a fine not exceeding ten dollars, for the second offence, to a fine not exceeding fifty dollars, and for the third and every subsequent offence, to a fine of two hundred dollars; and, in default of payment of such fines, shall be subject to imprisonment for a period not exceeding one month for the first offence, three months for the second offence, and one year for the third and every subsequent offence.

23. Every clerk or officer receiving or delivering any instrument, who fails or omits to cancel any stamp in the manner and at the time hereinbefore provided, shall be subject to a fine not exceeding twenty dollars, and, in default of payment thereof, to imprisonment for a period not exceeding two months; and the production of such instrument stamped for an insufficient sum, or the stamp of which is not properly and sufficiently

cancelled, or the proof of any such instrument having been unstamped or insufficiently stamped at the time when it was issued or received, or of the stamp not having been properly and sufficiently cancelled, shall be sufficient *prima facie* evidence of such instrument having been knowingly and wilfully issued, received or delivered without being or having been first stamped, or without the stamp having been properly and sufficiently cancelled.

24. The Minister of Finance and Customs may grant a license to any person to deal in stamps for the purposes of this Chapter at any place to be named in the license. Every person to whom a license is granted shall give security in the sum of one hundred dollars in such manner and form as may be prescribed.

25. If any person who is not duly licensed to sell and distribute stamps deals in any manner in stamps without being licensed so to do, or at any house, shop or place not specified in his license, he shall, for every such offence, incur a fine of fifty dollars.

26. All fines imposed by this Chapter may be recovered before a Stipendiary Magistrate at the instance of the Minister of Justice, and shall be paid into the Treasury for the uses of the Colony.

27. Every one who forges, counterfeits or imitates any stamp issued under the authority of this Chapter, or knowingly uses any forged, counterfeited or imitated stamp, or engraves, cuts, sinks, or makes any plate, die or other thing whereby to forge, counterfeit or imitate such stamp or any part or portion thereof, or has possession of any plate, die or other thing as aforesaid, except by permission in writing of the Minister of Finance and Customs or of some officer or person who may lawfully grant such permission, or forges, counterfeits, or unlawfully imitates, uses or affixes to or upon any instrument any stamp purporting that the fee on such paper has been paid, is guilty of felony and liable to imprisonment for a term not exceeding three years with hard labor.

SCHEDULE.

1. Consolidated Statutes (3rd. Series), cap. 19, "Of the Registration of Births, Marriages and Deaths."
2. Consolidated Statutes (3rd. Series), cap. 28, "Of Stamp Duties."
3. Consolidated Statutes (3rd. Series), cap. 129, "Of Crown Lands, Timber, Mines and Minerals."

4. Consolidated Statutes (3rd. Series), cap. 143, "Of the Keeping of Dogs."
5. Consolidated Statutes (3rd. Series), cap. 147, "Of the Preservation of Deer."
6. Consolidated Statutes (3rd. Series), cap. 83, "Of the Supreme Court and procedure therein."
7. Consolidated Statutes (3rd. Series), cap. 85, "Of the Central and Harbor Grace District Courts."
8. Consolidated Statutes (3rd. Series), cap. 86, "Of Stipendiary Magistrates and Justices of the Peace."
9. Consolidated Statutes (3rd. Series), cap. 93, "Of the Recovery of Possession of Tenements in certain cases."
10. Consolidated Statutes (3rd. Series), cap. 111, "Of the Registration of Deeds and other documents."
11. Consolidated Statutes (3rd. Series), cap. 152, "Of Patents."
12. Consolidated Statutes (3rd. Series), cap. 153, "Of Copyrights."
13. Consolidated Statutes (3rd. Series), cap. 154, "Of Trademarks and Registration thereof."
14. Consolidated Statutes (3rd. Series), cap. 200, "Of Hawkers and Pedlars, being Foreigners, and not domiciled in this Colony."
15. Consolidated Statutes (3rd. Series), cap. 169, "Of Certificates to Masters and Mates."
16. Consolidated Statutes (3rd. Series), cap. 180, "Of Pilots and Pilotage for the Port of St. John's."
17. Consolidated Statutes (3rd. Series), cap. 181, "Of Harbor Master and Harbor Regulations for the Port of St. John's."
18. Consolidated Statutes (3rd. Series), cap. 215, "Of the Liens of Mechanics and others."
19. Consolidated Statutes (3rd. Series), cap. 72, "Of Illegitimate Children."
20. Consolidated Statutes (3rd. Series), cap. 78, "Of the Naturalization of Aliens."
21. The Act 6, Edward VII., cap. 17, entitled "An Act respecting Licenses for the sale of Intoxicating Liquors" and the Acts in amendment thereof.

CHAPTER 25.

Of Light Dues.

SECTION

- 1.—Payment and amount of dues.
- 2.—Certain vessels to pay only one half rates.
- 3.—Exemption of Labrador and other vessels.
- 4.—Collection of dues ; Commission.
- 5.—Recovery of dues by action.
- 6.—Rates and duties to be paid before entry.
- 7.—Application of Merchant Shipping Act.

SECTION

- 8.—Expense of survey.
- 9.—Detention of vessel.
- 10.—French fishing vessels not to be subject to light dues.
- 11.—Obstruction of Lights.
- 12.—Penalty.
- 13.—Removal of obstruction.
- 14.—Compensation.

1. Upon every merchant vessel or ship entering any port or place within this Colony, other than coasting, sealing or fishing vessels owned and registered in this Colony, there shall be levied and paid once in every calendar year (but not oftener than once in three months) the following duty or rate per registered ton, that is to say:—At the rate of twenty-four cents per ton up to and including 500 tons and twelve cents per ton additional on every ton over 500 up to and including 1,000 tons, and six cents per ton additional on every ton over 1,000 tons and up to and including 2,000 tons. On no ship or vessel shall a greater rate than two hundred and forty dollars be levied in any one calendar year, or oftener than once in three months.

2. Any vessel arriving in the port of St. John's for coal, food or supplies, or for repairs, and not bringing cargo for delivery in the Colony, and not taking from the Colony any cargo which such vessel did not bring into the Colony, shall pay only one-half the light dues provided by section one of this Chapter.

3. Upon vessels owned and registered in the Colony, engaged in the Labrador, Bank and Coast fisheries, or in the local coasting trade, there shall not be levied or paid any rate or duty whatever under this Chapter while such vessels are not engaged otherwise than in the said fisheries or trade. Should any such vessel proceed on any other than a fishing voyage to any place outside this Colony such vessel shall be liable to pay once in each calendar year (but not oftener than once in three months) the rate or duty of six cents per registered ton.

4. Sub-Collectors and Preventive Officers employed in the Customs' service of the Colony, and such other persons as the Minister of

Finance and Customs may appoint, shall be entitled to demand, recover and receive the said rates and duties imposed by this Chapter, and the moneys raised and levied under the provisions hereof shall be paid to the Minister of Finance and Customs, and there shall be allowed to the persons so collecting, such commission, not exceeding five dollars per centum upon the amounts collected, as the Minister of Finance and Customs may direct.

5. On the non-payment by the master, or any person having charge of, or any owner of, any ship or vessel, of any rate or duty payable or incurred under this Chapter, such rate or duty shall and may be sued for and recovered in a summary manner, in the name of the Minister of Finance and Customs or other person authorized to receive the same, before a Stipendiary Magistrate or two Justices of the Peace within the district where the Customs' officer or other person so authorized may reside, together with all costs incurred, and shall be levied by warrant and distress of such Magistrate or Justices on the goods and chattels of the owner, or of the master or other person in charge of the respective ship or vessel, on account of which the said rate or duties shall respectively be payable.

6. Neither the Minister of Finance and Customs nor any officer of Customs shall admit to entry or clearance any ship or vessel subject and liable to the payment of any rates or duties, until the said rates and duties shall be paid to the person authorized to receive the same.

7. All tonnage dues upon foreign vessels shall be assimilated to and in conformity with the tonnage dues of British vessels; and such foreign vessels shall be measured according to rules specified in an Act of the Imperial Parliament, passed in the fifty-seventh and fifty-eighth years of the reign of Her Majesty Queen Victoria, known as the "Merchant Shipping Act, 1894."

8. When there is an increase of tonnage dues arising from such measurement, the expense of the measuring surveyor shall be borne by the Government of the Colony, but when otherwise, by the owner or master of such vessel.

9. Any officer duly authorized by law to collect rates or dues under this Chapter may go on board any vessel, being within three miles of any part of the coasts of this Colony and stay on board while she remains in port or within such distance, and may, in addition to the powers and pro-

cedure prescribed in Section 5 of this Chapter, bring into port and detain such vessel until payment or satisfaction of all light dues by law recoverable.

10. It shall be lawful for any fishing vessel of the Republic of France to enter any port or place on that part of the Coast of Newfoundland comprised between Cape Ray and Cape John, passing by the north, without paying or being liable to pay any rates or duties under this Chapter, and the Minister of Finance and Customs, and all officers of Customs, shall, in any such port or place, admit all such fishing vessels to entry and clearance without any such payment.

11. No building or erection shall be built or placed in such position as to obstruct or interfere in any manner whatever with the light exhibited in any lighthouse or beacon, or with the leading lights exhibited as guides to vessels entering the harbor of St. John's.

12. Any person acting in contravention of the provisions of the preceding section shall be liable to a penalty not exceeding forty dollars, to be recovered in a summary manner by the order and adjudication of a Justice of the Peace; and such penalty, with costs, may be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of such justice, or the said offender may be committed to prison for a period not exceeding three months.

13. Any building or erection, contrary to the provisions of this Chapter, may be immediately removed by the Minister of Marine and Fisheries, and he may recover the cost of such removal, with costs of suit, in a summary suit for the same before any Justice of the Peace from any person so building or erecting such building or erection.

14. For the purpose of ascertaining the damage which may be occasioned to any person whose interests in any lands, houses, buildings, or other property, may be affected by carrying out or enforcing the provisions of this Chapter and providing compensation therefor, the Governor in Council shall appoint one arbitrator, the owner of the property shall appoint another, and the Minister of Agriculture and Mines for the time being, or some person appointed by writing under his hand, shall be the third, and the said three arbitrators shall assess and award the amount of compensation which shall be paid for the said damage. The award of the said arbitrators or any two of them shall be final and binding on the parties, and any compensation which may be awarded to such persons shall be paid out of the consolidated revenue of the Colony.

CHAPTER 26.

Of Taxes upon Telegraph, Telephone and Cable Companies.

SECTION

- 1.—Interpretation of terms.
- 2.—Certain payments to be made annually by every company.
- 3.—Annual payment in respect of telephones.

SECTION

- 4.—Accounts to be furnished to Postmaster General.
- 5.—Penalty for default in delivering account.
- 6.—Recovery of sums made payable by this Chapter.
- 7.—Respecting the recovery of penalties.

1. In this Chapter “company” shall mean any company corporate or unincorporate, or person, carrying on any telegraph or telephone business in or from the Colony, or transmitting or receiving messages by wireless methods of telegraphy in or from the Colony, and shall include the Anglo-American Telegraph Company, its successors or assigns.

“Land lines” means lines or telegraphic communication from any place within this Colony to any other place within this Colony.

“Telephone” means any telegraphic transmitting or receiving or combined transmitting and receiving instrument used or intended to be used for the transmitting or receiving spoken messages or communications by means of electricity.

2. Every company shall pay to His Majesty, His Heirs and Successors, for the public uses of the Colony, on the 30th day of June in each year, the sums following, that is to say:

(1) A sum of four thousand dollars (\$4,000) in respect of every telegraphic cable between this Colony and any place outside this Colony, for the time being belonging to or worked by or on behalf of the company, which now is or hereafter shall be landed on, extended to or established in this Colony: Provided that no single company shall be charged upon more than five telegraphic cables.

(2) A sum equal to one per cent. in manner hereinafter provided of the total amount received by or due to the company in respect of all telegraphic messages passing over the land lines of the company or transmitted or received by any place within this Colony during a period of twelve calendar months ending on the first day of May of each year: Pro-

vided that this sub-section shall not apply to messages which originate or are delivered in any place outside the Colony.

- (3) A sum of four dollars in respect of every telephone operated by any company in this Colony during the whole or any part of a period of twelve months ending on the first day of May of each year.
- (4) A sum of four thousand dollars (\$4,000) in respect of every wireless station or other means of communication by wireless methods of telegraphy between this Colony and any place, ship or vessel outside this Colony, for the time being belonging to or worked by or on behalf of the company which now is or hereafter shall be established in this Colony. Provided that if the Governor in Council is satisfied that any such wireless telegraph station or other such means of communication is established for the purpose only of reporting passing ships or vessels, he may dispense with the payment of such last-mentioned sum and discharge the company from liability therefor in respect of such station or means of communication.

3. Every person, company or body of persons engaged in any business in the Colony shall pay annually to His Majesty, His Heirs and Successors, for the public service of the Colony, on the 30th day of June in each year, a sum of four dollars in respect of every telephone operated by him, it or them, in connection with his, its or their business, and not solely within his, its or their premises, or connecting buildings with other buildings used in connection with his, its or their business.

4. Every company shall, on or before the first day of June in each year, deliver to the Postmaster General a full and true account of the number of messages which shall have passed over the company's land lines and messages transmitted and received by wireless methods of electricity during the period of twelve months ending on the first day of May last preceding such first day of June, and of the amount of money received by or due to the company in respect thereof, specifying what, if any, amount is payable thereout to other companies as toll or otherwise, and all such other particulars as shall, in the opinion of the Postmaster General, be necessary or proper for enabling him fully and correctly to ascertain the sums payable by the company hereunder in respect of such messages and also a full and true account of the number of telephones operated by the

company during the whole or any part of such last mentioned period. Such account shall be verified by a sworn declaration made by the secretary or one of the directors of the company, and in the case of a single person or unincorporate body, by such person or one of the body, and by the production of all such books and documents as the Postmaster General shall reasonably require.

5. If a company shall make default in delivering any such account as aforesaid, within such time as aforesaid, or in verifying the same, the company shall be liable to a penalty not exceeding one hundred dollars (\$100) for every day during which such default shall continue, and every director, manager, secretary or other officer or person who shall be responsible for such default shall be liable to the like penalty. And if any account delivered by a company in pursuance of the provisions hereof shall contain any false statement, every director, manager, secretary or other officer or person who shall knowingly and wilfully have been a party to such false statement shall, without prejudice to any other liability, be liable to a penalty not exceeding one thousand dollars.

6. Every sum hereby made payable by a company (other than a penalty) shall, from the date when it shall become payable, constitute a debt due and payable to His Majesty His Heirs and Successors from the company; and such debt may at any time be recovered in any Court of competent jurisdiction, and shall constitute a first charge on the property, lands, goods, chattels and effects of the company.

7. Every pecuniary penalty imposed hereby shall be recoverable by or in the name of the Minister of Justice or any other person thereto authorized by the Governor in Council by civil action or complaint in any Court of competent jurisdiction, and shall belong to His Majesty, His Heirs or Successors, for the public uses of the Colony; saving always the power of Governor in Council to allow any part or the whole of such penalty to the person by whose information or intervention the same was recovered; but no such penalty shall be sued for except within one year after the offence in respect of which it is recoverable shall have come to the knowledge of the Governor in Council or the Postmaster General.

CHAPTER 27.

Of Death Duties.

SECTION

- 1.—Death duties payable.
- 2.—Definition of Estate.
- 3.—Shares and debentures in companies.
- 4.—Property without the Colony.
- 5.—Respecting account for Treasury.
- 6.—Powers of Minister of Finance and Customs.

SECTION

- 7.—Respecting payment of duties.
- 8.—Recovery of unpaid duties.
- 9.—Appeal from value of estate.
- 10.—Probate or administration not to be granted without certificate.
- 11.—Penalty for not obtaining Probate or administration within one year.

1. There shall be charged and paid upon the estates of all persons dying after the Seventh day of September, A.D. 1914 the duties specified in the Schedule hereto.

2. For the purposes of this Chapter the Estate of a deceased person shall include:—

- (a) All property in this Colony of whatsoever description belonging to that person, whether moveable or immoveable, and any interest in such property whether expectant or contingent held by him at his death;
- (b) Any such property given by or passing from deceased person as a *donatio mortis causa*;
- (c) Any such property passing under any disposition made by the deceased person and purporting to operate as a *donatio inter vivos*, unless the disposition was made at least two years before his death;
- (d) Any such property passing under any disposition or by reason of any act of the deceased person which was intended to operate at or after his death, or has the effect of operating;
- (e) Any such property which by any act or disposition of the deceased person was so transferred, vested or arranged that his ownership or beneficial interest therein or in any part thereof, passed or accrued by survivorship upon his death;
- (f) Any such property which has passed to any one within one year prior to the death of deceased person for the purpose of dividing the same after the death of the deceased person amongst his heirs or any of them;

- (g) Any limited interest in such property, whether or not such interest was or is to be determined on the death.

And the account for the Treasury provided by Section 5 of this Chapter shall contain all necessary particulars of and include all the property of every description comprised in this section.

And for the purposes of this Chapter, the said Estate shall be held to be the Estate in respect of which Letters of Probate or of Administration are applied for.

3. (a) Shares and debentures in a Company shall for the purposes of this Chapter be deemed to be property in this Colony, notwithstanding that the deceased holder of those shares or debentures was a resident or domiciled outside the Colony at the date of his death;
- (b) Every Company shall, as soon as there shall come to its knowledge the death of any holder of its shares or debentures, who died outside this Colony, transmit to the Minister of Finance and Customs a written statement showing the shares or debentures in that Company held by the deceased at the date of his death and the true value thereof, and the Company shall within twelve months after the death of the deceased pay duty on those shares;
- (c) Until payment of the duty is made by the Company or satisfactory security has been given to the Minister of Finance and Customs for payment thereof, the Company shall not permit the transfer in its Register, whether such Register be kept within or without this Colony, of any shares or debentures registered in the name of the deceased person at the date of his death, except in the case of shares or debentures in respect of which the Minister of Finance and Customs has certified his satisfaction that though still registered at that date they had been *bona fide* sold or disposed of by him.
- (d) Nothing in this section contained shall be deemed to impose any obligation on a Company in respect of share warrants or debenture warrants issued to bearer.
- (e) Every Company which has paid duty under this Chapter shall have the right to recover the amount thereof from the estate which would otherwise have been liable for the payment of the duty, and with interest at the rate of six dol-

lars per centum per annum if the amount of duty paid by the Company be not repaid within one month after its payment by the Company.

(f) In the event of any default by a Company in complying with any requirement of this Chapter, every Director, Manager, or other authorized representative of the Company in this Colony, shall be liable to a penalty of ten dollars for every day during which the default continues, without prejudice to any right of the Minister of Finance and Customs to recover any amount from the Company under any provisions of this Chapter.

(g) Company shall mean any company incorporated or registered under the law for the time being in this Colony relating to the incorporation or registration of companies, and shall include also a company which though not so incorporated or registered carries on business in this Colony.

4. All personal property of a deceased person, whether situate within or without this Colony, shall be deemed to be property in this Colony within the meaning of sub-section (a) of section 2 of this Chapter; provided, however, that where any item of such property situated outside the Colony shall, by reason of the death of the deceased, be subject to duty in the country in which it is situated, the amount of such duty, if and when actually paid, shall be deducted from the duty payable or refunded out of the duty paid in this Colony in respect of the same item, and that for this purpose the shares of a Company on a Register kept outside the Colony shall be deemed to be situate in the country in which such register is kept, anything in section 3 of this Chapter contained to the contrary notwithstanding.

5. In addition to the affidavits and inventories at present required from a person applying for Letters of Probate or Administration there shall be delivered to the Treasury an account verified by oath and in the form prescribed by the Governor in Council, of the particulars of the estate for or in respect of which letters of probate or of administration are applied for.

6. It shall be lawful for the Minister of Finance and Customs, upon receipt of such account, to cause to be made any enquiries in respect of the same, or of the estate in respect of which Letters of Probate or of Administration are applied for, which he may deem necessary and for such purpose he may summon and examine witnesses upon oath and require the

production of any papers or documents. The Minister shall certify the value of the said estate after making allowance for debts incurred during the lifetime of the deceased, and due and payable at the time of his death, and upon such certified value the duties specified in the Schedule hereto shall be paid.

7. The applicant for Letters of Probate or of Administration shall thereupon pay to the Minister of Finance and Customs the duties due, together with interest thereon, at the rate of six dollars per centum per annum, from the date of the death of the deceased, or shall give security with two or more sufficient sureties approved by said Minister, by a bond to His Majesty the King, His Heirs and Successors, in double the amount of the said duties, for the due and full payment of the amount of said duties, within six calendar months or any less period, and of the interest for the same, at the rate of six dollars per centum per annum, during the period from the death of the deceased until payment: Provided that the Governor in Council may, in lieu of payment on the maturity of such bond, accept a new bond with sufficient sureties for the payment of such duties and interest at such time as he shall determine and cause to be specified in such bond. Such last named bond shall also bear interest at the rate of six dollars per centum per annum to the date of payment.

8. All duties when unpaid shall be a debt due to His Majesty, His Heirs and Successors, from the estate of the deceased, and shall be paid in preference to and before any other debt whatsoever due from the same estate, and may be sued for and recovered by an action in the name of the Minister of Finance and Customs in any Court having jurisdiction in cases of debt or damages to the amount of the same.

9. If the applicant for Letters of Probate or of Administration is dissatisfied with the value certified by the said Minister as aforesaid, he may appeal therefrom to the Supreme Court, or a Judge thereof by giving notice within three days from the date of such certifying. The Court or Judge shall hear the matter summarily and confirm or vary said value, and the judgment of the Court or Judge shall be final as to such value.

10. No Letters of Probate or of Administration shall be granted by the Supreme Court or a Judge thereof without the production to it or him of a certificate of the Minister of Finance and Customs that all the duties have been paid or sufficient security given for their payment.

11. Any estate for or in respect of which Letters of Probate or of Administration are not obtained within one year from the death of the de-

ceased, unless the obtaining thereof is delayed by litigation or other cause over which the applicant had no control in respect of the same, shall be liable to double the amount of the duties chargeable, and administration may be granted to the said Minister, who shall be entitled to retain double the amount of said duties for His Majesty.

SCHEDULE.

Estates certified of less value than \$1,000 shall pay no duties.

Of	\$1,000 and up to \$2,500	1 per cent.
"	2,500	" 5,000	2 "
"	5,000	" 25,000	3 "
"	25,000	" 50,000	4 "
"	50,000	" 100,000	5 "
"	100,000	" 200,000	6 "
"	200,000	" 350,000	7 "
"	350,000	" 500,000	8 "
"	500,000	" 750,000	9 "
"	750,000	" 1,000,000	10 "
"	1,000,000 and over	11 "

CHAPTER 28.

Of Stamp Duties.

SECTION

- 1.—Instruments chargeable with duties.
- 2.—No unstamped instrument available in law or equity.
- 3.—Act shall not apply to Bank notes.
- 4.—Chapter shall not apply to Government Cheques, Money Orders or Postal Orders.

SECTION

- 5.—Penalty on Bank cashing cheque.
- 6.—All instruments to be stamped.
- 7.—Interpretation of instrument.
- 8.—Respecting cancelling.
- 9.—Application of 61 Vic., cap. 14.
- 10.—Respecting rules and regulations.

1. From and after the 1st day of October, A.D., 1914 there shall be paid for the use of His Majesty, His Heirs and Successors, upon the several instruments mentioned in the Schedule hereto, the several duties in the said Schedule specified.

2. No such instrument executed after the commencement of this Chapter in this Colony, or relating wherever executed to any property situate, or to any matter or thing done or to be done in this Colony, shall, except in criminal proceedings, be pleaded, or given in evidence, or admitted to be good; useful or available in law or equity, unless it is duly stamped in accordance with the provisions of this Chapter.

3. Nothing in this Chapter shall apply to any bank note payable to bearer on demand, issued or circulated by any bank doing business in the Colony.

4. No cheque upon a banker issued by the authority of a Department of the Government, or issued by any person or body who is permitted by order of His Excellency the Governor in Council to issue unstamped cheques, and no Post Office Money Order or Postal Order shall be stamped, and any such cheque upon a banker, Post Office Money Order, or Postal Order not stamped, may be pleaded and given in evidence, and shall be admitted to be good, useful and available in law and in equity.

5. If any bank doing business in this Colony, or any branch of such Bank, cashes any cheque not duly stamped, except as provided in the preceding section, the manager of such bank or branch shall be liable for every offence to a penalty of ten dollars, to be recovered in a summary manner before a Stipendiary Magistrate.

6. Every instrument to which this Chapter applies shall be stamp-

ed with adhesive or impressed stamps of value equal to the duty payable thereon, and for the purpose of so stamping any of the instruments in the Schedule hereto either stamps provided or procured for the purpose of Chapter 24 of these Consolidated Statutes, entitled, "Of the Payment of certain Fees and Charges by Stamps," or ordinary postage stamps, may be used.

7. In this Chapter "instrument" means any paper or writing mentioned in the Schedule.

8. An instrument shall not be deemed to be duly stamped unless the stamp affixed thereto is cancelled.

9. All the provisions of Chapter 24 of these Consolidated Statutes, entitled, "Of Payment of certain Fees and Charges by Stamps," shall apply to this Chapter and the Schedule hereto.

10. The Governor in Council shall make rules and regulations as to the affixing of stamps to all instruments under this Chapter and the cancelling of the same. All such rules and regulations when published in the *Royal Gazette*, and one other paper published in the Colony, shall have the force and effect of law.

SCHEDULE.

Cheques on a Banker	2 cents.
Promissory Notes	2 cents.
Bills of Lading and Shipping Receipts	2 cents.
Bills of Exchange, for every \$100 or part thereof	5 cents.
Charter Parties	\$1.00
Receipts for any sum of money exceeding ten dollars (\$10.00)	2 cents.

TITLE V. OF THE PUBLIC DEBT.

CHAPTER 29.

Of Debentures of the Colony.

SECTION

- 1.—Debentures assignable and may be paid off upon twelve months' notice under certain conditions.
- 2.—Lost or destroyed debentures.
- 3.—Notice to be published.
- 4.—Report by Minister of Finance and Customs.
- 5.—Issue of new debentures.

SECTION

- 6.—Discovery of alleged lost or destroyed debentures.
- 7.—Payment of lost or destroyed debentures which have matured.
- 8.—Issue of debentures for less amounts.
- 9.—Governor in Council may make rules. Schedule.

1. All outstanding debentures of the Colony shall be assignable and transferable in the mode, and the principal and interest thereof respectively shall be payable at the times and in the manner prescribed in and by the said several debentures. And in case any such debentures do not prescribe the mode of transfer or assignment, the principal and interest shall be payable to the endorsee or assignee thereof: Provided that in case of debentures issued without limit of time for repayment, or forming part of the consolidated debt of the Colony, the same may be called in and paid off at any time after the Government shall have given twelve months notice in the *Royal Gazette*, of its intention to redeem the same; and interest on such debentures shall cease at the time specified in such notice.

2. If and when any person or persons shall claim to be the owner or owners of any debenture or debentures of the Colony alleged to have been lost or destroyed, it shall be lawful for the Minister of Finance and Customs to summon before him any party or witness and to require such party or witness to give evidence on oath, (or on solemn affirmation), orally or in writing, and to produce such documents and things as he shall deem requisite to the full investigation of such claim. The Minister of Finance shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any court of law, in civil cases; and any wilfully false statement made by any such witness on oath or solemn affirmation shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury.

3. Upon the making of a claim as aforesaid by any person, and upon application for a new debenture or debentures, the Minister of Finance and Customs shall give notice for at least two months, which notice shall be advertised in at least two daily papers, that claim has been made to the ownership of certain debentures, and that upon a date named he will take evidence thereupon under the provisions of this Chapter.

4. If satisfied by enquiry that the said debenture or debentures has or have been lost or destroyed, the Minister of Finance and Customs shall, in the manner provided by Section 3, cause public notice to be given that he will report to the Governor in Council in favor of the issue of a new debenture or debentures to the owner of the debenture or debentures alleged to have been lost or destroyed, specifying the number, date and amount thereof, so far as possible, unless cause to the contrary be shown to him within two months.

5. Upon a report of the Minister of Finance and Customs that in his opinion the said debenture or debentures has or have been lost or destroyed, the Governor in Council, if satisfied that the said debenture or debentures has or have been lost or destroyed, and upon the furnishing of adequate and satisfactory security by bond in twice the amount of the lost or destroyed debenture or debentures, may cause a new debenture or debentures for the amount or amounts or its or their equivalent, to be issued in the form of the schedule hereto.

6. If, after the issue of a new debenture or debentures in place of a debenture or debentures alleged to have been lost or destroyed, such last-named debenture or debentures be produced by or on behalf of a *bona fide* owner thereof, it shall be held to be valid and effectual to all intents and purposes, and the value thereof shall thereupon be recoverable from the securities to the bond taken under Section 5 upon the issuing of a new debenture or debentures.

7. If the debentures alleged to have been lost or destroyed shall have matured or become payable, or been called in for payment, then upon such proceedings being taken as are provided by this Chapter in proof of the loss or destruction of the said debenture, and upon the furnishing of security of the nature and to the amount provided by Section 5, the Governor in Council shall have power and he is hereby authorized to pay to the owner of the said debenture so alleged to have been lost the amount due or payable thereunder, in the same manner as if the said debenture were delivered up; and in the event of such debenture being afterwards produced by or on behalf of a *bona fide* owner thereof, the provisions of Section 6 shall apply and take effect.

8. The Governor in Council may, upon the application of any person who is the holder of a debenture or debentures of this Colony for the sum of two hundred dollars or upwards, or the equivalent of any such sum in sterling money of Great Britain, issued under any Act of the Legislature, and upon the surrender of any such debenture or debentures, cause to be issued in place thereof other debentures for less amounts but aggregating in all to the amount of the said original debenture or debentures; and such new debentures shall be in the form and subject to the conditions and terms of the said original debenture or debentures and thereupon such original debenture or debentures shall be cancelled: Provided that no new debenture shall be issued for a less sum than one hundred dollars, or the equivalent thereof in such sterling money of Great Britain, calculating the value of a British sovereign to be four dollars and eighty-six cents and two-thirds of a cent of the currency of Newfoundland.

9. The Governor in Council shall have power to make rules and regulations for the purposes of this Chapter and for greater security; and such rules and regulations, when published in the *Royal Gazette*, shall have the force and effect of law as fully as though enacted herein.

SCHEDULE.

I, Minister of Finance and Customs, do hereby certify that by virtue of Chapter 29 of the Consolidated Statutes of Newfoundland (Third Series) entitled "Of Debentures of the Colony," I have received by way of loan from the sum of bearing interest at the rate of four per cent. per annum, payable half-yearly on the first day of January and the first day of July in each year, until the first day of January A.D., : Provided that it shall be optional with the Government, after the first day of January A.D., , to pay off the same, upon giving twelve months notice of such intention.

Given under my hand at St. John's the day of
A.D., 191 .

Minister of Finance and Customs.

Countersigned,
Colonial Secretary.

CHAPTER 30.

Of Loans upon the Credit of the Colony issued in the United Kingdom.

SECTION

- 1.—Loans may be raised in sterling money.
- 2.—Agent in United Kingdom.
- 3.—Issue of debentures and payment of interest and principal.

SECTION

- 4.—Issue of Stock in the United Kingdom.
- 5.—Bank in London to act as Registrar for certain purposes.

1. Whenever under any future Act of the Legislature the Minister of Finance and Customs or any other person shall be authorized to raise a loan on the credit of the Colony, unless otherwise provided, he may, if deemed desirable and with the sanction of the Governor in Council, raise such loan in sterling money in the United Kingdom of Great Britain and Ireland, the sterling amount of such loan to be calculated at the exchange of four dollars and eighty-six cents and two-thirds of a cent per pound sterling.

2. In the event of its being deemed advisable to offer the said loans in sterling money in the United Kingdom of Great Britain and Ireland, the Governor in Council shall appoint an agent or agents to raise such loans in the United Kingdom, either by debentures or as stock.

3. The loans, if issued in the United Kingdom by debenture, shall be so issued in debentures of such amounts, in such proportions and in such terms, consistent with the provisions of the Acts authorizing the loans respectively, as may be decided by the agent or agents appointed by the Governor in Council, and the interest on the debentures shall be payable half-yearly by coupons and the principal money repayable at maturity at the banking agents in London appointed by the Government of Newfoundland.

4. The loans, if issued in stock in the United Kingdom, shall be so issued in accordance with the Acts of the Imperial Parliament of the United Kingdom of Great Britain and Ireland called "The Colonial Stock Acts 1877 to 1900," and the Governor in Council shall, under the seal of the Colony, authorize some person in the United Kingdom to make the declaration respecting such stock required by the said Colonial Stock Acts.

5. In the event of the loans being so issued as stock, the Governor in Council shall enter into an agreement with some bank in London, providing for such bank acting as registrar of the Colony of Newfoundland in London, in accordance with the provision of the said Colonial Stock Acts, and for all or any of the following purposes, viz. :—

- (1) For inscribing stock in the books of such bank.
- (2) For managing the creation, inscription and issue of stock.
- (3) For effecting the conversion of debentures into stock and managing transfers of stock.
- (4) For paying dividends on stock.
- (5) For issuing stock certificates to bearer, and, as often as occasion shall require, reissuing or reinscribing stock and reissuing stock certificates.
- (6) Generally conducting all business connected with stock; and
- (7) For the protection and remuneration of such bank under and in respect of any such agreement.

CHAPTER 31.

Of Corporations, the Interest on whose Stock is Guaranteed by the Government.

SECTION

- 1.—Governor in Council may investigate affairs of and supersede directors of certain companies.
- 2.—Shareholders lose right to appoint directors.

SECTION

- 3.—Governor in Council may appoint directors.
- 4.—Publication.

1. Whenever under the provisions of any Act of the Legislature payment of the capital stock of any company, or of interest on such stock; or of both, is guaranteed by the Government, and such company shall make default in the payment either of the said capital or of the said interest, or of any part of either, by reason whereof the government shall be called upon to make good its guarantee in whole or in part, and whenever such company shall fail to fulfil its duties and obligations, it shall be lawful for the Governor in Council, at any time after such default or failure at which he may deem it expedient:

- (a) To cause an investigation into the management and affairs of such company to be made by such persons and in such manner as he shall think most expedient; and thereafter, or, if he shall deem it advisable, without first causing such investigation to be held,
- (b) To supersede the appointment of any director or directors appointed by the Governor, and to annul and cancel the office of any director or directors chosen by the shareholders of any such company, and thenceforth to assume the direction and management, and to direct and manage the affairs and business of such company, and to assume, possess and exercise all and singular the powers and functions of the said directors appointed and chosen as aforesaid, as well for the imposition and collection of rates and assessments and all matters incidental thereto as for all other purposes, as fully as the same were exercised by the said directors under the Act or instrument incorporating the company, and to impose and collect any such further rates and assessments as may be necessary for the purposes of this Chapter.

2. In the event of the Governor in Council, in pursuance of the power vested in him by the next preceding section of this Chapter, superseding and annulling the appointments and offices of any director or directors as aforesaid, the power vested in the shareholders of such company to choose directors shall thenceforth cease and determine.

3. It shall be lawful for the Governor in Council at any time to nominate and appoint a person or persons in the place of any director or directors whose appointment or office has been cancelled or superseded as aforesaid. The person or persons who may be appointed in pursuance of this section shall have and exercise all the power and authority which, by the Act or instrument incorporating the company have been or may be vested in the said directors, whether appointed by the Governor or chosen by the shareholders.

4. All appointments made and matters done in pursuance of this Chapter shall be published in the *Royal Gazette*.

TITLE VI.

OF PUBLIC WORKS

CHAPTER 32.

Of the Appropriation of Private Lands for Public Purposes.

SECTION

1.—Governor in Council may appropriate private lands at price to be ascertained by arbitration.

SECTION

2.—Method of Arbitration

1. Whenever in the opinion of the Governor in Council it shall become necessary for the purpose of the erection of any public building or for the construction of any public work or for improving the approach to any public building or public work already erected, or for the purpose of affording greater light or air to any public building, or for any similar public requirement, to appropriate any land, being private property, the Governor in Council may take such land as may be required for any of the above purposes and pay for the same out of the funds of the Colony. And, if the Governor in Council and the owner of the property shall be unable to agree upon the amount of compensation to be paid for the same, such amount shall be settled by arbitration in the manner hereinafter provided.

2. For the purpose of determining the amount of such compensation the Governor in Council shall appoint one arbitrator, the owner of the property shall appoint another, and the Minister of Agriculture and Mines for the time being, or some person appointed by writing under his hand, shall be the third, and the said three arbitrators shall assess and award the amount of compensation which shall be paid for the said land and for any damage that may be occasioned by the appropriation thereof. The award of the said arbitrators or any two of them shall be final and binding on the parties.

CHAPTER 33.

Of Roads and Road Commissioners.

SECTION

- 1.—Road Monies to be expended by the Department of Public Works.
- 2.—Width of Roads.
- 3.—Rest Houses and repairs to roads.
- 4.—Expenditure of surplus.
- 5.—Expenses of Administration.
- 6.—Anticipating votes in case of emergency.
- 7.—Inspection and report.
- 8.—Compensation of land owners by arbitration.
- 9.—Notice of actions.
- 10.—Tenders of amends.
- 11.—Payment into Court.
- 12.—Penalties for damaging roads, public wharves, etc.
- 13.—Encroachment or obstruction of highways

SECTION.

- 14.—Removal of encroachments or obstructions.
- 15.—Establishment of public markets in St. John's.
- 16.—Entry by Governor in Council upon water courses.
- 17.—Obstruction of public wharves.
- 18.—Authorization of advances for road work.
- 19.—Making of advances.
- 20.—Notice to persons neglecting to work out advances.
- 21.—Prosecution for so neglecting.
- 22.—Hearing on prosecution.
- 23.—Penalty on conviction.
- 24.—Disposition of fines.
- 25.—Interpretation.

1. All sums of money appropriated for main lines of roads in the Colony, and for local roads in the electoral district of St. John's outside of the limits of the town of St. John's, as defined by the St. John's Municipal Act, shall be applied and expended by the Department of Public Works.

2. No road shall be gravelled to a greater width than seven feet, or shall have a base of less width from drain to drain than fourteen feet, when such road shall be situated more than five miles from St. John's, or four miles from Harbor Grace, Carbonear or Brigus, respectively; and where any land within thirty-three feet of the centre of any road hereafter to be laid out shall, at the time of any such road being laid out, be unappropriated, such land shall not be granted, conveyed or appropriated to any private purposes. All main lines of roads hereafter to be opened shall be one hundred feet wide.

3. The Governor in Council may enter into any arrangements for the construction of suitable dwellings on such parts of main lines or roads as may be found most suitable for location, and for letting out the said roads by annual contract for the repairs thereof: Provided that the cost of the erection of such dwellings shall be deducted from the sum appropriated for the said main roads.

4. When any sum of money granted for any particular part of any

main road shall be found more than sufficient for the purpose of such grant, the surplus thereof shall be expended on such other parts of the same line of road within the district, as may require repair.

5. The Governor in Council may appropriate a sum not exceeding in the whole ten per cent. upon the amount granted in any act of the Legislature for making, repairing and improving main roads and bridges, towards defraying all expenses attendant upon the expenditure of such amount, that is to say: the expenses of surveying, inspecting and overseeing, the remuneration of necessary officers, printing, stationery and postage.

6. If at any time during the intervals between the meetings of the Legislature, any bridge should require repairs or renewal, and no vote of the Legislature be available for such purpose, the Governor in Council may authorize and direct the repairs or renewal of such bridge, and charge the expense necessarily incurred for such service against any moneys that may be thereafter appropriated by the Legislature for road service in the district or for the road on which such bridge may be situated.

7. The Minister of Public Works shall be Supervisor General of all roads, streets and bridges. The Minister of Public Works or his officers shall inspect outport road work, and make yearly report thereon.

8. (1) Whenever it shall become necessary for the opening, making or widening of any road or street or for the construction or carrying out of any other public work in this Colony, to appropriate any piece or parcel of land, being private property, the Department of Public Works shall pay out of such moneys as shall be at its disposal for the purpose of making such road, street or other work, a fair and reasonable compensation to every person having any interest in the land so intended to be appropriated, and also compensate any person for any damage which may be occasioned to his property by the making, opening or widening such road, street or other work; and if the said Department and the owner of such property cannot agree upon the amount of compensation, such amount shall be ascertained by the Minister of Public Works and two other assessors, one of whom shall be nominated by the said Minister and the other by the owner of the land, and who shall assess and award the amount of compensation (if any) that shall be paid for the value of the said land and for damage occasioned, together with all reasonable costs, which award shall be final; and if the owner of the land shall neglect to nominate an assessor within five days after being thereto required, the chairman of such board shall nominate an assessor on behalf of the owner; and the chairman and the two assessors shall be paid a sum of two

dollars each for their services in that behalf: Provided that every such award shall be made in writing, within ten days after any day that may be appointed for the hearing of the case; but before payment or tender to the parties interested of the sum awarded for compensation, the said Minister or any person authorized by him may enter into and upon and take possession of any land so to be appropriated for any road, street or lane as aforesaid.

- (2) No plaintiff in any action or suit against the Minister of Public Works, Municipal Council or any Road Board, or against any person acting under the authority of such Council or Board, for any act done in pursuance of this Chapter, shall recover a verdict or judgment in such action or suit, unless it shall appear to the Judge at the trial that the plaintiff in such action was prevented from having his claim adjudicated upon, as aforesaid, by the wrongful act of the defendant board or person.

9. No action shall be commenced against any commissioners, surveyors, contractors or other person, for anything done by them or him in pursuance of the provisions of this Chapter, until one month after notice in writing shall have been delivered to them or him, or left at their or his usual place of abode by the party who intends to institute such action, his attorney or agent, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring the same, and the name and place of abode of his attorney or agent.

10. Any such commissioners, surveyors, contractors and other persons may, at any time within one month after such notice shall have been given, tender amends to the party complaining or to his agent or solicitor, and in case such amends be not accepted, or in case no tender has been made, plead the general issue to any action to be thereafter brought, and give such tender or any other special matter in evidence; and if the plaintiff in any such action shall not, at the trial thereof, recover a verdict for more than the amount of such tender, the defendant in such action shall be entitled to his costs of suit, and to the like remedy for the recovery thereof, as though a verdict had passed against the plaintiff.

11. If in any case such commissioners, surveyors, contractors or other persons, shall neglect to tender any amends, or shall have tendered insufficient amends before action brought, they or he may, by leave of the Court wherein such action shall be brought, or of a Judge of the Supreme Court, at any time before the trial thereof, pay into Court such money as

they shall see fit; whereupon such proceedings, orders and judgments shall be had, made or given to and by such Court or Judge as in other actions where the defendant is allowed to pay money into Court.

12. Any person who shall at any time excavate, dig up, or otherwise damage or remove, or carry away, any portion of any road, street, highway, bridge, public wharf, public beach or breakwater, without the consent, in St. John's of the Minister of Public Works or the Municipal Council and in the other districts of the Chairman of the Road Board therein, shall forfeit and pay a fine not exceeding twenty dollars for each offence, to be recovered in a summary manner before any Stipendiary Magistrate or Justice of the Peace, and by the distress and sale of the offender's goods and chattels; and in default of any sufficient distress being found, such offender shall be imprisoned for any time not exceeding fourteen days.

13. Any person who, after being duly notified by the Minister of Public Works, the Municipal Council, the Chairman of any Road Board, shall wilfully continue to encroach on or obstruct, or shall again encroach on or obstruct any of the public roads, streets, highways or bridges, or any Crown or other lands lawfully reserved for roads, streets or highways, or any person who, having been duly notified by the Minister of Agriculture and Mines of his encroachment and obstruction, and having been required to remove the same, shall wilfully continue to encroach upon or obstruct any of the public beaches, landing places or breakwaters in this Colony, or the way thereto, may be summoned before any Stipendiary Magistrate, or two or more Justices of the Peace, who shall decide in a summary way a complaint in the name of the Minister of Agriculture and Mines, Minister of Public Works, Mayor of the City of St. John's, or Chairman of such Road Board, as the case may be, concerning such encroachment or obstruction; and, on being satisfied by proof thereof, such Magistrate or Justices of the Peace may adjudge the offender to pay a penalty not exceeding twenty dollars, together with the costs and expenses of removal of any such encroachments or obstructions, which said penalty and costs may be levied by distress and sale of the offender's goods and chattels.

14. Such encroachments or obstructions as aforesaid may be removed by the order of such Stipendiary Magistrate or Justices; or the Minister of Agriculture and Mines, Minister of Public Works, Municipal Council, or the Chairman of either of the said Road Boards within their respective districts, may cause the same to be removed: Provided that this section and the section next preceding, shall not apply to a case of disputed right of way over private property.

15. It shall be lawful for the Governor in Council, at such times as may be necessary, to set apart sufficient portions of any two of the public streets or firebreaks, in the town of St. John's, for the purpose of public markets.

16. It shall be lawful for the Governor in Council, at such times as may be necessary, by his servants, workmen, contractors and others, to enter upon any water-course, or navigable or non-navigable water, and also to construct and maintain bridges over the same; but the powers by this section conferred shall be exercised in such a manner that the public user of the said water-course or water may be as little impeded as may be reasonably necessary.

17. It shall be lawful for the Governor in Council, at such times as may be necessary, to appropriate any portion of any public beach within this Colony, or any navigable water, for the construction of a public wharf, and also by his servants, workmen and others to construct and maintain such wharf thereon and thereover.

18. It shall be lawful for the Governor in Council, upon sufficient cause to him appearing, to authorize any relieving officer, chairman of road board, or other commissioner, out of any public moneys over which such relieving officer, chairman of road board or other commissioner may have a power of disposition, to make an advance in money or in goods to any person upon an agreement that the person to whom the advance is made shall give work or service, or furnish material in return therefor. Such agreement shall be made in printing or writing, or both, and shall be signed by the person to whom the advance is made, in the presence of two witnesses, who shall sign as such witnesses, and the said agreement shall be kept by the said relieving officer, chairman or commissioner.

19. The relieving officer, chairman of road board or other commissioner upon receipt of such authority shall make an advance or advances to any person upon the condition aforesaid.

20. If any person to whom an advance has been made under an agreement, as aforesaid, shall neglect or refuse to make return therefor, he shall be notified by a notice left at his residence that unless he makes such return within a time limited by such notice he will be prosecuted therefor. Such notice shall be in writing, printing, or both, and shall be signed by the relieving officer, chairman, or commissioner.

21. If any person to whom an advance has been made as afore-

said shall neglect or refuse to make such return within a time limited by such notice, as aforesaid, he shall be prosecuted in a summary manner before a Stipendiary Magistrate or Justice of the Peace.

22. Upon the hearing of such prosecution if it shall appear to the Magistrate or Justice of the Peace that the person to whom the advance has been made has been unable through sickness or other sufficient cause to make the said return as agreed upon, it shall be lawful for the Magistrate or Justice of the Peace to order such person to make the return agreed upon or such return as in the opinion of the court may be reasonable, and to reserve final judgment upon the prosecution for the period within which such Magistrate or Justice of the Peace may order the said return to be made.

23. If it appear to a Magistrate or Justice of the Peace, upon a prosecution, that a person to whom an advance has been made as aforesaid has not made the return agreed upon or any sufficient return without sufficient excuse, or if upon a final hearing by such Magistrate or Justice it shall appear that an order made by said Magistrate or Justice respecting such return has not been obeyed within the time limited, such Magistrate or Justice may impose upon the person receiving such advance a fine not exceeding the amount of the advances and the costs of prosecution.

24. Any fine imposed under this Chapter shall be paid into the fund from which the advance has been made.

25. In the construction of this Chapter the words "relieving officer," "chairman of road board" and "commissioner," shall respectively mean and include his successor in office or such person as during his absence or a vacancy in his office may be duly appointed or authorized to perform the duties of such office or fill such vacancy.

CHAPTER 34.

Of Ferries.

SECTION

- 1.—Establishment of ferries; appointment of ferry-men; penalties for neglect.
- 2.—Rules for ferries.

SECTION

- 3.—Suspensions and dismissals.
- 4.—Penalties for destruction of boats, etc.
5. Recovery of penalties.

1. The Governor in Council may establish such ferries over straits, rivers, bays, harbors and creeks within the Colony as may be provided by the Legislature, and may appoint persons to serve as ferry-men under such rules and for such fees, to be paid by the parties using such ferries, as may be prescribed and settled in the manner hereinafter provided; and any person who shall accept the place and duty of ferryman, and shall refuse or neglect to comply with and observe the several articles, rules and clauses contained in the rules and regulations prescribed for his guidance in that behalf, shall forfeit a sum not exceeding eight dollars.

2. The Stipendiary Magistrate nearest to the place where any ferry shall be established may frame rules for the management thereof, and fix a rate of fees to be paid for the transit of passengers, animals, vehicles and articles of any description thereat; provided that such rules and rates respectively shall be subject to the approval of the Governor in Council before the same shall be put in operation.

3. On complaint being made to the nearest Stipendiary Magistrate of any improper conduct or neglect of duty on the part of any ferryman over whom he shall have jurisdiction, such as in the opinion of the Magistrate to require the suspension and dismissal of such ferryman, the Magistrate shall take the deposition of the party complaining or of any other person, with respect to the subject matter of such complaint, and transmit the same to the Colonial Secretary with his report thereon, and may in the meantime suspend such ferryman and appoint some other person to perform his duties until the decision of the Governor in Council upon the matters aforesaid shall have been received.

4. On complaint on oath being made to any Justice of the Peace near where any ferry shall have been established, of any person having wilfully and maliciously taken away, damaged or destroyed the boat of the ferryman at such place, such Justice shall issue his warrant for the ap-

prehension of the offender, and upon hearing the parties, make such order for the restoration of such boat, and for the reparation of any damage done to the same, as in that behalf may be just; and in the event of a refusal to comply with such order, shall imprison the party refusing obedience thereto for any time not exceeding thirty days.

5. All penalties imposed by this Chapter may be sued for and recovered in a summary manner before any one of His Majesty's Justices of the Peace and shall be levied, together with costs, by warrant of distress on the goods and chattels of the party convicted.

TITLE VII.

OF THE POST AND TELEGRAPHS.

CHAPTER 35.

Of the Postal and Telegraph Services.

SECTION

- 1.—Interpretation clause.
- 2.—Post Office department under Postmaster General.
- 3.—Postmaster General appointed by Governor in Council.
- 4.—Inspector of Post Offices.
- 5.—Postmaster General to give bonds.
- 6.—Appointment, suspension or removal of officials.
- 7.—Postmaster shall furnish bonds.
- 8.—Postmaster General may require oath or declaration from postmasters or others.
- 9.—Postmaster General shall pay or deliver money or property stolen from mails.
- 10.—Postmaster General may require new bond if surety desires to be released.
- 11.—Payment subsequent to new bond to go to pay balance due by postmaster.
- 12.—No suit against surety to be taken after two years from death or resignation of postmaster.
- 13.—Postmaster General may appoint times for rendering of accounts.
- 14.—Penalty for neglect by postmaster to render accounts.
- 15.—No postmaster to receive emolument other than fixed salary.
- 16.—No allowance for extra services.
- 17.—Powers of Postmaster General.
- 18.—Regulations of Postmaster General to have effect from publication in *Royal Gazette*.
- 19.—Bonds required by regulation to be valid.
- 20.—Rates of postage.
- 21.—Postage stamps.
- 22.—Double postage.
- 23.—Newspapers free.
- 24.—Exemptions from postage.
- 25.—Books, &c., postage.
- 26.—Rates for officers, soldiers and seamen in His Majesty's service.
- 27.—Letters containing dutiable articles not to be forwarded outside the Colony.
- 28.—Postage marked on letter shall be held to be true postage.
- 29.—Mode of recovery.
- 30.—Postmaster or carrier not bound to give change.
- 31.—Compensation to masters of vessels for conveyance of letters.
- 32.—Exclusive right to provide for conveyance of letters to be in the Postmaster General; exceptions.
- 33.—Letters may be re-directed.
- 34.—Letters sent in violation of this chapter may be seized.
- 35.—Postmaster General may establish branch Offices.
- 36.—Letter or other article when deposited in post office shall cease to be the property of sender.

SECTION

- 37.—Dead letters to be sent to the Post Office Department.
- 38.—Postmaster General may detain mail matter suspected to carry contraband goods.
- 39.—Ferry-men shall convey couriers, &c., with out undue delay.
- 40.—Postmasters whose salaries not fixed may be paid percentage.
- 41.—Indemnity up to fifty francs for loss of registered article.
- 42.—Before making contract for mail carrying, Postmaster General to give public notice of four weeks.
- 43.—Not compelled to accept lowest tender.
- 44.—Postmaster may be allowed to transport mail.
- 45.—Tenders for carrying mail to be accompanied by a written security.
- 46.—Postmaster General may submit contracts of less than \$100 to public competition.
- 47.—No contract to be made with person who has endeavoured to prevent another from tendering.
- 48.—Postmaster General to keep record of tenders.
- 49.—Temporary contracts.
- 50.—Post Office Money Orders system.
- 51.—Post Office Saving's Bank.
- 52.—Postmasters may receive deposits for transmission to Central office.
- 53.—Deposits to be entered in a depositor's book and attested.
- 54.—Money deposited under this chapter not liable to seizure.
- 55.—Repayment of deposit to be made on demand without delay.
- 56.—Names of depositors not to be disclosed.
- 57.—Moneys deposited to be paid to Minister of Finance and Customs.
- 58.—Interest to be three per cent.
- 59.—On the 30th of June in every year interest to become principal.
- 60.—Postmaster General may issue certificate of deposit for sums not less than \$100.
- 61.—Regulations for superintending and inspecting depositors' accounts.
- 62.—Monthly returns to Minister of Finance and Customs.
- 63.—Annual account to be laid before Legislature.
- 64.—Postmaster General to make annual reports to Governor.
- 65.—Penalties for the stealing or destruction of post letters.
- 66.—Stealing from post letter, felony.
- 67.—Penalty for stealing letter-bag or stopping mail with intent to rob or search.
- 68.—Penalty for unlawfully opening letter-bag.
- 69.—Penalty for stealing parcel sent by post.
- 70.—Penalty for receiving letter, &c., knowing same to be stolen.

SECTION

- 71.—Issuing unlawfully a money order, felony.
- 72.—Penalty for forging, counterfeiting, or imitating postage stamps,
- 73.—Penalty for forging, imitating or counterfeiting money order &c.
- 74.—Penalty for destruction, detention or delaying of any mailable matter.
- 75.—Penalty for placing explosive or dangerous substances in or with mailable matter.
- 76.—Penalty for enclosing written matter in packet or parcel.
- 77.—Penalty for removing postage stamps.
- 78.—Penalty for destruction of letter bag.
- 79.—Penalty for misconduct by mail carriers.
- 80.—Penalty for issuing money order without having first received purchase money.
- 81.—Penalty for destruction by postmasters.
- 82.—Penalty for the pledging of postage stamps by postmaster.
- 83.—Penalty for the transmission of immoral or obscene books, &c.
- 84.—Violation of regulations under this chapter a misdemeanor.
- 85.—Using money entrusted to others, embezzle ment.
- 86.—No person to sell postage stamps &c., unless licensed.
- 87.—Penalty for injury to letter or pillar boxes.
- 88.—Penalty for attempting to use a postage stamp or wrapper used before.
- 89.—Penalty for placing "Post Office" on a house or premises without authority.
- 90.—Mode of trial of indictable offences.
- 91.—Indictment of accessories before and after the fact.
- 92.—Offences in respect of post letter-bags or mailable matter.
- 93.—Postmaster General may compromise any action or suit commenced under his authority.
- 94.—Mode of recovery of penalties.
- 95.—One witness sufficient evidence for recovery of postage.
- 96.—Actions against postmasters and sureties for moneys due Crown.
- 97.—Suits begun by a Postmaster General may be continued by his successors.
- 98.—Bonds may extend to larceny or destruction of articles, though not belonging to the Crown.
- 99.—Provisions of the "Customs' Act" to apply to postal officials and suits under this chapter.

SECTION

- 100.—Postmaster General may make rules and regulations for carrying into effect this chapter.
- 101.—Nomenclature Board.
- 102.—Altering name of town or settlement.
- 103.—Department to have control of telegraphs.
- 104.—Duties of officials.
- 105.—Exclusive privilege of Postmaster General; Proviso.
- 106.—Postmaster General may make contracts.
- 107.—Entrance upon private lands by authority.
- 108.—Powers of persons so authorized.
- 109.—Respecting support of wires.
- 110.—Respecting the cutting down of growing trees.
- 111.—Respecting fences and gaps.
- 112.—The Postmaster General may place pipes in streets and roads.
- 113.—Respecting compensation.
- 114.—Order of the transmission of telegrams.
- 115.—Certain messages may be refused.
- 116.—Power to make arrangement with Anglo-American Telegraph Company.
- 117.—Saving of rights of Anglo-American Co.
- 118.—Regulations may be made by Postmaster General in certain cases.
- 119.—Penalty—Forging telegrams.
- 120.—Penalty—Signing or altering without authority a telegram.
- 121.—Penalty—Fraudulent message concerning money.
- 122.—Penalty—Breach of secrecy.
- 123.—Penalty—Setting up telegraph lines.
- 124.—Penalty—Demanding pay for use of private line.
- 125.—Powers of inspection of office.
- 126.—Penalty—Resisting inspection.
- 127.—Age of employment.
- 128.—Perforation of stamps
- 129.—Irregular postage.
- 130.—Certain articles to be sent to general office.
- 131.—Examination of packages.
- 132.—Respecting articles addressed to hotels, etc.
- 133.—Articles addressed to an insolvent.
- 134.—Articles addressed to a deceased person.
- 135.—Respecting the detention of mail matter.
- 136.—Respecting the destruction of certain papers.
- 137.—Wireless stations not to be worked without a license therefor: form of license and penalties.
- 138.—Regulations governing wireless telegraphy on ships not registered in Newfoundland.

1. In this Chapter, unless the subject or context otherwise requires,

- (1) The expression "letter" includes packets of letters.
- (2) The expression "postage" means the duty or sum chargeable for the conveyance of post letters and all other mail matter and other things by post.
- (3) The expression "foreign country" means any country not included in the dominions of His Majesty King George V.
- (4) The expression "foreign postage" means the postage on the conveyance of letters, packets or other things, within any foreign country or payable to any foreign government.

- (5) The expressions "colonial," "local," or "inland" postage mean the postage on the conveyance of letters, packets, and other things by post within Newfoundland and its Dependencies, or by Newfoundland mail packet.
- (6) The expressions "mail," or "post," include every conveyance by which post letters are carried, whether it be by land or water.
- (7) The expression "British packet postage" means the postage due on the conveyance of letters by British packet boats, between the United Kingdom and British North America; and the expression "British postage" includes all postage which is not foreign, colonial or Newfoundland.
- (8) The expression "employed in the Newfoundland Post Office" applies to any person employed in any business of the Post Office of Newfoundland.
- (9) The expression "post letter" means any letter transmitted or deposited in any post office to be transmitted by the post or delivered through the post, or deposited in any box put up anywhere under the authority of the Postmaster General to be transmitted or delivered through post; and a letter shall be deemed a post letter from the time of its being so deposited or delivered at a post office, or delivered to the person to whom it is addressed; a delivery to any person authorized to receive letters for the post shall be deemed a delivery at the post office; a delivery of any letter or other mailable matter at the house or office of the person to whom the letter is addressed, or to him, or to his servant or agent, or other person considered to be authorized to receive the letter or other mailable matter, according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed.
- (10) The expression "mailable matter" includes any letter, packet, parcel, newspaper, book or other thing which by this Chapter, or by any regulation made in pursuance of it, may be sent by post;
- (11) The expression "post letter bag" includes a mail bag or box, or packet or parcel, or other envelope or covering in which mailable matter is conveyed, whether it does or does not actually contain mailable matter;

- (12) The expression "Post Office" means any building, room, street letter box, receiving box or other receptacle or place where post letters or other mailable matter are received or delivered, sorted, made up, or despatched;
- (13) The expression "between", when used with reference to the transmission of letters or other things, applies equally to such transmission from either place to the other.
- (14) The expression, "The United Kingdom" means Great Britain and Ireland; "Canada" means the Dominion of Canada; and "The United States" means the United States of America.
- (15) The expressions "The Colony" and "local" mean Newfoundland and its Dependencies.
- (16) The expression "Department" means the General Post Office.
- (17) The expression "Postal article" includes letters, post-cards, letter-cards, newspapers, packets or parcels and all other articles transmissible by post, and includes a telegram when transmitted by post.
- (18) The expression "Postmaster" shall include Postmistress and means the officer in charge of a post office or post and telegraph office.
- (19) The expression "Prescribed" means prescribed by this Chapter or by regulations.
- (20) The expression "Regulations" means regulations under this Chapter.
- (21) The expression "Telegraphic" includes telephonic.
- (22) The expression "Telegraph" or "telegraph line" means a wire or cable used for telegraphic or telephonic communication, including any casing, coating, tube, tunnel or pipe enclosing the same, and any posts, masts or piers supporting the same, and any apparatus connected therewith, or any apparatus for transmitting messages or other communications by means of electricity.
- (23) The expression "Telegraph Office" means a house, building, room or other place, or other structure used or occupied by or under the authority of the Postmaster General and under his control for the purposes of working a telegraph or for the receipt and delivery of telegrams.

- (24) The expression "Telegram" means any message or communication sent to or delivered at a telegraph office or post office for transmission by telegraph for delivery, or issued from a telegraph office or post office for delivery as a message or communication transmitted by telegraph.
- (25) The expression "Officer" means any officer in the service of the department.

CONSTITUTION AND POWERS OF DEPARTMENT.

2. There shall be at St. John's a Post Office Department for the management and superintendence of the Postal and Telegraph service, under the direction of a Postmaster General.

3. The Postmaster General shall be appointed by the Governor in Council.

4. The Governor in Council may appoint an officer who shall be called the Inspector of the Post Office Department of Newfoundland, whose duties may be prescribed by the Governor in Council from time to time.

5. The Postmaster General, on his appointment to office, shall give bond in the sum of two thousand five hundred dollars with two sureties in the sum of five hundred dollars each; and Inspectors of Post Offices shall give bonds in such sums, and with such sureties, as may be directed by the Governor in Council.

6. The Governor in Council may appoint, suspend and remove all necessary officials for carrying out the Postal service.

7. The Postmaster General shall, upon the appointment of any postmaster, require and take of such postmaster a bond, with good and approved sureties, in such penalty as he deems sufficient, conditioned for the faithful discharge of all the duties of such postmaster required by law, or which are required by any instruction or regulation, or general rule for the government of the Post Office.

8.* The Postmaster General may require any postmaster or assistant in any post office, mail contractor or other person in the employment or service of or undertaking to perform any duty or work for the Post Office Department, to make and sign before a Justice of the Peace, an oath or declaration in the following form, or to the like effect, that is to say:—

"I, (insert the name of the person and the capacity in which he is em-

ployed in or by the Post Office department), do solemnly and sincerely promise and swear (*or declare, if the person is one entitled to declare instead of taking an oath in civil cases*) that I will faithfully perform all the duties required of me by my employment in the service of the Post Office, and will abstain from everything forbidden by the laws of the establishment and government of the Post Office department of Newfoundland: So help me God."

Signature of person.

Sworn (*or declared*) before me, at .. ,
theday of, A. D.

9. The Postmaster General shall pay over or deliver to such person or persons as he considers to be the rightful owner or owners thereof, upon satisfactory evidence of claim, any sum of money or other property stolen or lost from the mails, which is by the Postmaster General recovered from the thief or thieves, or otherwise comes into his possession.

10. When any surety of a postmaster notifies to the Postmaster General his desire to be released from his suretyship, or when the Postmaster General deems it necessary, he may require such postmaster to execute a new bond, with sureties, which bond, when accepted by the Postmaster General, shall be as valid as the bond given upon the original appointment of the postmaster; and the sureties in the prior bond shall be released from responsibility for all acts or defaults of the postmaster done or committed subsequent to the acceptance of the new bond, and the date of the acceptance shall be duly endorsed on such prior bond.

11. Payments made by such postmaster subsequent to the acceptance of a new bond shall be applied first to the discharge of any balance due by him at the time of such acceptance, unless the Postmaster General otherwise directs.

12. No suit shall be instituted against any surety of a postmaster after the lapse of two years from the death, resignation or removal from office of such postmaster, or from the date of the acceptance of a new bond from such postmaster.

13. The Postmaster General may appoint the periods at which each postmaster or person authorized to receive postage, or any class or number of postmasters or persons respectively, shall render his or their accounts, and the form and manner in which such accounts shall be kept and rendered; and if any postmaster or any such person neglects or refuses to render his accounts, and to pay over to the Postmaster General the bal-

ance due by him at the end of any such period, the Postmaster General may cause a suit to be commenced against the person so neglecting or refusing.

14. If any postmaster neglects to render his accounts for one month after the time, or in the form and manner prescribed by the Postmaster General's instructions and regulations, he shall forfeit double the value of the postages which have arisen at the same office in any equal portion of time previous or subsequent thereto, which shall be recoverable by the Postmaster General in an action of debt on the bond against the postmaster and his sureties, and for which the sureties shall be liable.

15. No postmaster shall, under any pretense whatsoever, have or receive, or retain for himself, any greater or other allowance or emolument of any kind, in respect of his office, than the amount of his salary and allowance as fixed and authorized by law or by the Governor in Council.

16. No allowance or compensation shall be made to any clerk or other officer in the post office department by reason of the discharge of duties of any other clerk or officer in the same department; and no allowance or compensation shall be made for any extra service whatsoever which any such clerk or officer is required to perform.

17. The Postmaster General may subject to the provisions of this Chapter and the approval of the Governor in Council—

- (1) Establish and close post offices and post routes;
- (2) Suspend any postmaster or other officer or servant of the post office;
- (3) Enter into and enforce all contracts relating to the conveyance of the mails or other business of the post office subject to the provisions hereinafter enumerated;
- (4) Make regulations declaring what shall and what shall not be deemed to be mailable matter for the purposes of this Chapter and for restricting within reasonable limits the weights and dimensions of letters and packets and other matters sent by post and for prohibiting and preventing the sending of explosive dangerous, contraband or improper articles, obscene or immoral post cards; and for marking on the covering of letters, circulars or other mail matter suspected to concern illegal lotteries, so-called gift concerts, or other illegal enterprises of like character, offering prizes or con-

cerning schemes devised or intended to deceive or defraud the public, for the purpose of obtaining money under false pretenses, whether such letters, circulars or other mail matter are addressed to or received by mail from places within or without Newfoundland, a warning that they are suspected to be of a fraudulent character;

- (5) Establish the rates of postage on all mailable matter, not being letters, newspapers or other things hereinafter specially provided for, and prescribe the terms and conditions on which all mailable matter other than letters shall, in each case or class of cases, be permitted to pass by post, and authorize the opening thereof for the purpose of ascertaining whether such conditions have been complied with;
- (6) Cause to be prepared and distributed postage and registration stamps necessary for the prepayment of postages and registration charges under this Chapter; also, stamped envelopes for the like purpose, and post cards and stamped post bands or wrappers for newspapers or other mailable articles not being post letters;
- (7) Make and give effect to any arrangements which are necessary to be made with the Government or with the Postal authorities of the United Kingdom or of any British possession, or of any foreign country, with regard to the collecting and accounting for postage, the transmission of mails, and other matters connected with posts and postal business, and the remuneration or indemnity to be paid or received under any such arrangement;
- (8) Make arrangements for refunding such postage as is, from time to time, paid by His Majesty's military or naval authorities on official correspondence passing between the several stations of His Majesty's military and naval forces in Newfoundland;
- (9) Make orders and regulations concerning the money order system; and the issuing and paying of post office money orders in Newfoundland, and when he deems it expedient, arrange for the exchange of such money orders with the United Kingdom, or any British possession, or foreign country, on such terms and conditions as he agrees upon, and as are set forth in the regulations relating to the same; and all or-

ders and regulations so made by him, shall be binding and conclusive upon the persons in favor of whom such money orders are issued, and the payees thereof and all persons interested through or claiming under them, and upon all other persons whomsoever;

- (10) Make and alter rules and orders for the conduct of and management of the business and affairs of the department, and for the guidance and government of the postmasters and other officers and servants of the Post Office in the performance of their duties;
- (11) Prescribe and enforce such regulations, as to letters directed to be registered, as to him seem necessary, in respect to the registration of letters and other matter passing by mail, as well between places in Newfoundland as between Newfoundland and the United Kingdom, or any British possession, or any foreign country, and to the charge to be made for the same; and also in respect to the registration by the officers of the post office or letters unquestionably containing money or other valuable enclosure, when posted without registration by the senders of the same, and the imposing a registration fee upon such letters;
- (12) Decide all questions which may arise as to what shall be deemed to be a letter or letter packet, newspaper, periodical or other article of mailable matter, admitted to pass by post under this Chapter, and as to the rate of postage to which it is consequently liable;
- (13) Sue for and recover all sums of money due for postage or for penalties under this Chapter, or due by any postmaster or his sureties;
- (14) Establish and provide street letter boxes or pillar boxes, or boxes of any other description, for the receipt of letters and such other mailable matter as he deems expedient, in the streets of any city or town or elsewhere in Newfoundland, or at any railway station or other public place where he considers such boxes necessary;
- (15) Grant licenses, revocable at pleasure, to agents other than postmasters, for the sale to the public of postage stamps, post cards and stamped envelopes, and stamped post bands or

wrappers, and allow to such agents a commission not exceeding five per cent on the amount of their sales;

- (16) Impose, with the approval of the Governor in Council, pecuniary penalties not exceeding two hundred dollars for any one offence on persons offending against any such regulation as aforesaid, whether they are or are not officers of the post office;
- (17) Make such regulations as he deems necessary for the due and effective working of the Post Office and postal business and arrangements, and for carrying this Chapter fully into effect; every such regulation shall have force and effect as if it formed part of the provisions of this Chapter;
- (18) Make such regulations as he deems necessary for the establishment of a parcel post from Newfoundland to the United Kingdom, and through the United Kingdom to countries having a parcel post with the United Kingdom, and to the Dominion of Canada and the United States of America, or any other country, and for the registration of all parcels sent by the said parcel post;
- (19) Make such rules and regulations respecting the money order system from time to time, as he deems necessary, and arrange as may be required for the exchange of the money order system with any other country.

18. Every regulation made by the Postmaster General under this Chapter, other than those made solely for the guidance and government of the officers or other persons employed in the Postal Service, which may be communicated by departmental order or otherwise, as the Postmaster General sees fit, shall have effect from and after the day on which the same is published in the *Royal Gazette*, or from and after such later day as is appointed for the purpose in such regulation, and during such time as is therein expressed, or if no time is expressed for that purpose, then until the same is revoked or altered.

19. Every bond or security required or authorized by any such regulation, or by any order of the Postmaster General, or any matter relative to the Post Office, or to observance of any provisions of this Chapter, or any regulation or order made under it, shall be valid in law, and may be enforced according to its tenor on breach of the conditions thereof.

POSTAGE.

20. The colonial postage on prepaid letters and letter packets posted and transmitted within the Colony shall be at the rate of two cents per one ounce weight and so on at the rate of two cents for every additional one ounce weight,—

- (1) Letters posted in St. John's for city delivery shall be subject to a rate of postage of one cent per ounce weight or fraction thereof;
- (2) Inland post cards shall be transmitted at one cent each;
- (3) A letter or other mailable matter posted unpaid shall be chargeable on delivery to the addressee with double postage; if insufficiently paid such letters shall be chargeable with double the amount of the deficiency;
- (4) The registration fee on local letters or other mailable article shall be three cents;
- (5) All letters or packets containing gold, silver or other money or jewels or precious articles, and transmitted within the Colony, must be registered by the sender, otherwise a double registration fee will be taxed upon delivery to the receiver.

21. The prepayment of letters and other mail matter can only be effected by means of Newfoundland postage stamps attached thereto.

22. Letters posted after the hour stated for closing any mail will be subject to double postage; the time during which such letters can be received shall be subject to such regulations as the Postmaster General may deem necessary.

23. Newspapers or periodicals, local and foreign printed, shall be sent free of postage to and from places within this Colony, if under four ounces weight; if they exceed four ounces such newspapers or periodicals will be charged at book rate:

- (1) Any newspaper or periodical must be known and recognized as a newspaper or periodical in the generally received sense of the terms, and be published regularly at intervals of not more than one month.
- (2) The full title, place and date of publication, and the distinguishing number of the issue must be printed at the top of the

first page, and also on any paper purporting to be a supplement to such newspaper or periodical and sent with it.

24. The following matter shall be exempt from local postage, namely:

- (1) Letters and mailable matter addressed to or sent from the Governor or the following departments and officers, that is to say:—The Colonial Secretary, the Minister of Justice, the Minister of Finance and Customs, the Minister of Agriculture and Mines, the Minister of Marine and Fisheries, the Minister of Public Works, the Post Office, the Chief Clerk of the Supreme Court and the Superintendent of Police.
- (2) Letters addressed to or coming from the President or any member of the Legislative Council, the Speaker or any member of the House of Assembly during a session of the Legislature: Provided that the initials of the chief officer, secretary or clerk of the department or of either branch of the Legislature, or of the writer, if a member of the Legislature, as the case may be, shall form part of the address of such letters or other mailable matter.

25. The following articles posted for transmission within the Colony shall be liable to postage of one cent per two ounces or fraction thereof, viz.:—Books, pamphlets, occasional publications, printed circulars, prices current, hand-bills, book and newspaper manuscript, printers' proof sheets, whether corrected or not, maps, prints, drawings, engravings, lithographs, photographs when not on glass or in cases containing glass; sheet music, whether printed or written; documents, wholly or partly printed or written, such as deeds, insurance policies, or other documents of like nature; packages of seed, cuttings, bulbs, roots, scions or grafts, patterns or samples of goods or merchandize; also eye-glasses, microscopic slides, and spectacles, when properly put up.

26. Every non-commissioned officer, soldier or seaman actually employed in the service of His Majesty the King of Great Britain, is entitled to send and receive letters not exceeding the weight of half an ounce for a postage of one penny sterling throughout the British Empire; but if any such letters have to pass through a foreign country they will be subject to the additional foreign postage thereby incurred.

27. No letter containing gold or silver money, jewels or precious

articles, or any article whatever liable to Custom's duties, whether registered or not, can be forwarded by post to any country outside or beyond Newfoundland.

28. The postage marked on any letter or other mailable matter shall be held to be the true postage due thereon, and the person signing or addressing it shall be held to be the sender until the contrary is shown.

29. All postage shall be recoverable with costs by action in any court of competent jurisdiction.

30. No postmaster or letter carrier shall, as respects any letter or other mailable matter delivered by him on which any postage is payable, be bound to give change, but the exact amount of the postage so payable shall be tendered or paid to him in current coin; and in like manner the exact value in current coin of any postage stamps, stamped envelopes, post cards or post bands or wrappers, when purchased from any postmaster, shall be tendered or paid to him at the time of purchase thereof.

31. The Postmaster General may compensate masters of vessels, not being post office packets, by a payment not exceeding two cents for each letter conveyed by such vessels between Newfoundland and other countries.

ADMINISTRATION.

32. Subject always to the provisions and regulations aforesaid, and the exceptions hereinafter made, the Postmaster General shall have the sole and exclusive privilege of conveying, receiving, collecting, sending and delivering letters within and from Newfoundland; and, except in the cases hereinafter mentioned, any person who collects, sends, conveys or delivers, or undertakes to convey or deliver any letters within and from Newfoundland, or who receives or has in his possession any letter for the purpose of conveying or delivering it, otherwise than in conformity with this Chapter, shall, for each and every letter so unlawfully conveyed or undertaken to be conveyed, received, delivered or found in his possession incur a penalty not exceeding twenty dollars.

(1) Such exclusive privilege, prohibition and penalty shall not apply to—

- (a) Letters sent by private individuals to be mailed at the first post office;
- (b) Letters sent by a messenger on purpose, concerning the private affairs of the sender or receiver;

- (c) Letters lawfully brought into the Colony and immediately posted at the nearest post office;
- (d) Letters of merchants, owners of merchant vessels or of the cargo or loading therein, sent by such vessel or by any person employed by such owners for the carriage of such letters according to their respective addresses, and delivered to the persons to whom they are respectively addressed, without pay, hire, reward, advantage or profit for so doing;
- (e) Letters concerning goods or merchandize sent or to be sent by common known carriers to be delivered with the goods to which such letters relate, without hire or reward, profit or advantage for receiving or delivering them.
- (f) Nothing herein contained shall authorize any person to collect any such excepted letters for the purpose of sending or conveying them as aforesaid, or shall oblige any person to send any newspaper, pamphlet or printed book by post.

33. Letters may be re-directed to places within the Colony, if not taken out of the post office, and be then forwarded without additional postage.

34. Any person may, and every officer or person employed in the post office or in the collection of the revenue of Newfoundland shall, seize any letters conveyed, received, collected, sent or delivered in violation of this Chapter, and take them to the nearest post office, and give such information to the postmaster as he is able to give and as is necessary for the effectual prosecution of the offender; and the letters shall also be chargeable with letter postage.

35. The Postmaster General may, with the consent of the Governor in Council, when in his judgment the public interest or convenience requires it, establish one or more branch post offices to facilitate the operation of the post office in any city or place which in his opinion requires any such additional accommodation for the convenience of the inhabitants and he may prescribe the rules and regulations for the branch post offices established by virtue of this Chapter; and no additional postage shall be charged for the receipt or delivery of any letter or packet at such branch post, except as herein otherwise prescribed.

36. From the time any letter, packet, chattel, money or thing is deposited in the post office for the purpose of being sent by post, it shall

cease to be the property of the sender, and shall be the property of the person to whom it is addressed, or the legal representative of such person and the Postmaster General shall not be liable to any person for the loss of any letter, packet or other thing sent by post:

- (1) No letter, packet or other mailable matter shall, while in the post office or in the custody of any person employed in the Newfoundland post office, be liable to demand, seizure or detention under legal process against the sender thereof, or against the person or legal representatives of the person to whom it is addressed.

37. Letters or other articles which, from any cause, remain undelivered in any post office, or which, having been posted, cannot be forwarded by post shall, under such regulations as the Postmaster General makes, be transmitted by postmasters to the Post Office Department as dead letters, there to be opened and returned to the writers or senders on payment of any postage thereon, with two cents additional on each dead letter to defray the cost of returning the same; or such dead letters may, in any case or class of cases, be otherwise disposed of as the Postmaster General directs.

- (1) If any such dead letter, of which the writer or sender cannot be ascertained or found, contains money, the Postmaster General may appropriate it as postal revenue, keeping an account thereof; and the amount shall be paid by the Postmaster General to the rightful claimant as soon as he is found.

38. The Postmaster General, or any postmaster by him to that effect duly authorized, may detain any post letter or other article of mail matter suspected to contain contraband goods, wares or merchandise, or any goods, wares or merchandise, on the importation of which into Newfoundland any duties of customs are by law payable, and suspected to have been enclosed therein and sent by post to evade payment of such duties, and forward the same to the nearest Collector of Customs, who, in the presence of the person to whom the same is addressed, or in his absence, in case of non-attendance after due notice, in writing, from such collector requiring his attendance, left at or forwarded by the post according to the address on the letter or other article of mail matter, may open and examine the same:

- (1) If on any such examination, any contraband goods, wares or merchandize, or any goods, wares or merchandize, on the importation of which into Newfoundland any duties of cus-

toms are payable, are discovered, such collector may detain the letter or other article of mail matter and its contents for the purpose of prosecution; and if no contraband goods, wares or merchandise, or any goods, wares or merchandise, on the importation of which into Newfoundland any duties of customs are by law payable, are discovered in such letter or other article of mail matter, it shall, if the person to whom it is addressed is present, be handed over to him on his paying the postage, if any, charged thereon, or if he is not present, it shall be returned to the Post Office and be forwarded to the place of its address.

39. Every ferryman shall, upon request, and without delay, convey over his ferry any courier or other person travelling with the mail, and no ferryman shall detain or delay a mail on pretence of demanding toll or ferryage; and any ferryman so delaying a courier or mail shall forfeit for every such offence twenty dollars.

40. Postmasters whose salaries are not fixed by law may be paid by a percentage on the amount collected by them, or by such salary and allowances as the Postmaster General, having due regard to the duties and responsibilities assigned in respect to each Post Office, by regulation, determines in each case.

41. And whereas by article 6 of the Convention for the Universal Postal Union, concluded at Paris on the first day of June, 1878, it is provided that: "In cases of the loss of a registered article, and except in case of *force majeure*, there is to be paid an indemnity of fifty francs to the sender, or, at his request, to the addressee, by the administration of the country in the territory or in the maritime service of which the loss has occurred, that is to say where the trace of the article has ceased."

And whereas it is necessary to make provision for the payment of such indemnity in case of such loss occurring within the Colony. It is therefore enacted as follows:—

In case of the loss within this Colony, or in its maritime service, of an article duly registered according to the provisions of the said Convention for the Universal Postal Union and the laws and regulations relating to the Postal service, the general funds of this Colony shall be liable for, and there shall be paid therefrom to the sender, or at his request to the addressee, an indemnity not exceeding an amount in dollars equivalent to fifty francs for each registered article so lost, subject to all the provisions

contained in the said Convention and the regulations made by virtue of the same.

MAIL CONTRACTS AND CONTRACTORS.

42. The Postmaster General, before entering into any contract for carrying the mail involving an annual cost of more than one hundred dollars, shall give at least four weeks previous notice by advertisement in such newspaper or newspapers as he selects in each case, and by public notices put up in the principal post offices concerned in such contract, that such contract is intended to be made, and of the day on which tenders for the same will be by him received.

- (1) The contracts, in all cases in which there is more than one tender, shall be awarded to the lowest tenderer who offers sufficient security for the faithful performance of the contract, unless the Postmaster General is satisfied that it is for the interest of the public not to accept the lowest tender.
- (2) The Postmaster General shall not be bound to consider the tender of any person who has wilfully or negligently failed to execute or perform a prior contract; but in all cases where he does not give the contract to the lowest tenderer, he shall report his reasons therefor to the Governor in Council.

43. When, in the opinion of the Postmaster General, the lowest tender received after public advertisement for the performance of a mail contract is excessive, he shall not be compelled to accept the said tender, but may, in his discretion, either re-advertise the said contract for further competition, or offer to the persons from whom tenders have been received, each in his turn, beginning with the lowest, such sum as he deems a reasonable and sufficient price for the said contract, and may enter into a contract with such of the said persons as will accept such offer.

44. The Postmaster General may, in his discretion, authorize and allow a postmaster to undertake and perform a contract for the transportation of a mail, subject to the regulations applying to all mail contracts, when, in his opinion, the interests of the public service will be thereby promoted.

45. Every tender for carrying the mail shall be accompanied by an undertaking, signed by one or more responsible persons, to the effect that he or they undertake that the tenderer will, if his tender is accepted, enter into an obligation, within such time as is prescribed by the Postmaster

General, with good and sufficient sureties, to perform the service proposed.

- (1) If, after the acceptance of a tender and notification thereof to the tenderer, he fails to enter into an obligation within the time prescribed by the Postmaster General, with good and sufficient sureties for the performance of the service, the Postmaster General shall proceed to contract with some other person for the performance of the said service, and may forthwith cause the difference between the amount contained in the tender and the amount for which he has contracted for the performance of the said service, for the whole period thereof, to be charged up against the said tenderer and his surety or sureties; and the same may be immediately recovered in an action of debt, in the name of the Postmaster General, against the tenderer and his sureties, or any of them, and when recovered shall form part of the postal revenue.

46. The Postmaster General may, subject to the approval of the Governor in Council, submit contracts for mail transportation, involving an annual expense of less than one hundred dollars, to public competition in the manner and form prescribed for contracts of a greater annual charge, or he may direct an agent to receive tenders for and execute such contracts on his behalf, or he may in special cases, conclude such contracts by private agreement when he conceives the public interest will be promoted by such a course; but he shall not pay under any such contract made by private agreement, a higher rate of annual payment for the services to be performed than is ordinarily paid for services of a like nature under contracts made after public advertisement.

47. No contract for carrying the mail shall knowingly be made by the Postmaster General with any person who has entered into any combination, or proposes to enter into any combination, to prevent the making of any tender for a mail contract by any other person, or who has made any agreement or has given or performed or promised to give or perform any consideration whatever, or to do or not to do anything whatever, in order to induce any person not to tender for a mail contract.

48. The Postmaster General shall keep recorded, in a book, a true and faithful abstract of tenders made to him for carrying the mail, embracing as well those which are rejected as those which are accepted; the said abstract shall contain a description of each contract advertised for

public competition, the dates of the tenders made, the dates at which they were received by the Postmaster General, the names of the persons tendering, the terms on which they propose to carry the mail, the sum for which it is offered to contract, and the length of time the agreement will continue; and the Postmaster General shall also put on file and preserve the originals of the propositions of which abstracts are here directed to be made.

49. The Postmaster General may make temporary contracts for such services until a regular letting in the form prescribed can take place.

POST OFFICE ORDERS.

50. A Post Office Money Order system for the issue and exchange of money orders within the Colony, and with the United Kingdom, and with British possessions, and also with foreign countries, may be established, and shall be under the control and management of the Postmaster General.

POST OFFICE SAVINGS' BANK.

51. The Postmaster General may with the consent of the Governor in Council, establish a system of Post Office Savings' Banks in connection with a central Savings' Bank, established as a branch of the Post Office Department at the seat of Government.

52. The Postmaster General, may with the consent of the Governor in Council, authorize and direct such postmasters as he thinks fit, to receive deposits for remittance to the Central office, and to repay the same, under such regulations as he, with the sanction of the Governor in Council, prescribes in that respect.

53. Every deposit received by any postmaster appointed for that purpose, shall be entered by him at the time in the depositors' book, and the entry shall be attested by him and by the dated stamp of his office; and the amount of such deposit shall upon the day of such receipt, be reported by such postmaster to the Postmaster General, and the acknowledgment of the Postmaster General, signified by the officer whom he appoints for the purpose, shall be forthwith transmitted to the depositor.

- (1) Such acknowledgment shall be conclusive evidence of the claim of the depositor to the repayment of the deposit, with the interest thereon, upon demand made by him on the Postmaster General; and, in order to allow a reasonable time for the receipt of the acknowledgment, the entry, by the pro-

per officer, in the depositor's book shall also be conclusive evidence of the title, as respects a deposit made in any part of Newfoundland for fifteen days from the making of the deposit, and if such acknowledgment has not been received by the depositor through the post within such fifteen days, and before or upon the expiry thereof he demands such acknowledgment from the Postmaster General, by letter addressed to him at St. John's, then the entry in his book shall be conclusive evidence of title during another term of fifteen days, and *toties quoties*.

- (2) No deposit shall be received of less amount than twenty cents, or of any sum not a multiple thereof; provided that any person desirous of saving twenty cents by means of two cent contributions for deposit in the Post Office Savings' Bank, may do so by purchasing with every two cents so saved a two-cent stamp, and affixing it to a form to be obtained at the Post Office, which will be received at the Post Office Savings' Bank for twenty cents.

54. No sum of money deposited under this Chapter shall, while in the hands of any postmaster, or while in course of transmission to or from the Postmaster General, at any time be liable to demand, seizure, or detention, under legal process against the depositor thereof.

55. On demand of the depositor, or person legally authorized to claim on account of the depositor, made in such form as is prescribed in that behalf for repayment of any deposit or any part thereof, the authority of the Postmaster General for such repayment shall be transmitted to the depositor forthwith, and the depositor shall be entitled to repayment of any sum that is due him with the least possible delay, after his demand is made at any post office where deposits are received or paid.

56. The postmaster and other officers of the post office engaged in the receipt or payments of deposits shall not disclose the name of any depositor or the amount deposited or withdrawn, except to the Postmaster General, or to such of his officers as are appointed to assist in carrying into operation the provisions of this Chapter in relation to post office savings' banks.

57. All money so deposited with the Postmaster General shall forthwith be paid over to the Minister of Finance and Customs, and shall be credited to an account called "Post Office Savings' Bank Account;" and

all sums withdrawn by depositors or by persons legally authorized to claim on account of depositors, shall be repaid to them by the Minister of Finance and Customs, through the Post Office Department, and charged to such account.

58. The interest payable to the persons making such deposits shall be at the rate of three per cent. per annum; but such interest shall not be calculated on any amount less than one dollar or some multiple thereof, and shall not commence until the first day of the month next following the deposit, and shall cease on the first day of the month in which such deposit is withdrawn.

59. On the thirtieth day of June in every year the interest on deposits shall be added to and become part of the principal money.

60. The Postmaster General may, with the consent of the Governor in Council, whenever it is deemed expedient, issue certificates of deposit in sums of not less than one hundred dollars, and bearing interest at the rate of three per centum per annum, to depositors who, having like sums at the credit of their ordinary deposit accounts, desire to transfer such sums from such ordinary deposit accounts to a special deposit account represented by such certificates, and bearing the rate of interest specified therein; and such certificate shall not be transferable, but shall be evidence of the depositor's claim upon such special deposit account to the amount expressed in such certificate, with the interest due thereon and shall be redeemable upon such previous notice as is expressed therein, and in all respects subject to such regulations as are made by the Postmaster General, with the sanction of the Governor in Council.

61. Except as herein otherwise specially provided, the Postmaster General may make, and, from time to time as he sees occasion, alter, regulations for superintending, inspecting and regulating the mode of keeping and examining the accounts of depositors, and with respect to the making of deposits and to the withdrawal of deposits and interest, and all and other matters incidental to carrying the provisions of this Chapter, in relation to Post Office Savings' Banks, into execution by him; and all regulations so made shall be binding on the persons interested in the subject-matter thereof to the same extent as if such regulations formed part of this Chapter; and copies of all regulations issued under the authority of this Chapter, in relation to Post Office Savings' Banks, shall be laid before the Legislature within fourteen days from the assembling of the Legislature annually.

62. As soon as possible after the end of each month, the Postmaster General shall make a return to the Minister of Finance and Customs of all money received and paid during the preceding month, and of the total amount in deposit at the end of each month, and the said Minister of Finance and Customs shall cause such monthly statement to be published in the *Royal Gazette* newspaper.

63. An annual account of all deposits received and paid under the authority of this Chapter, and of the expenses incurred during the year ending the thirtieth day of June, together with a statement of the total amount due at the close of the year to all depositors, shall be laid by the Postmaster General before both Houses of the Legislature within ten days after the commencement of the next following session thereof.

POSTMASTER GENERAL'S REPORT.

64. The Postmaster General shall annually make to the Governor, so that they may be laid before the Legislature within ten days after the meeting thereof in each session, the following reports, which shall be made up to the thirtieth day of June then next preceding, that is to say:

- (1) A report of the finances, receipts and expenditure of the Post Office of Newfoundland for the year ended on the thirty-first day of December previous, in the form of a general account current, showing on the one side, the whole amount of balances due to the department from postmasters or others at the time up to which the then last report was made, the whole amount of postage that accrued within the year elapsed since such last report, and any and every other item of revenue or receipt, and, on the other side of the account, the charges and expenditures incurred by the department within the year, of every kind and nature, showing, in separate amounts, the charges for mail transportation, for salaries and commission and allowances to postmasters, for printing and advertising, and for incidental and miscellaneous items of expenditure; showing also the balances remaining due from postmasters and others at the close of such year, and showing, in the shape of a balance, what the result of the operations of the department is for the said year, whether the revenue exceeds the expenditure or the expenditure the revenue, and in either case to what amount;
- (2) A report showing, in detail, all payments made and charges

incurred for mail transportation during the said year, stating in each case the name of the contractor or person receiving payment, the mail route, the mode and frequency of transportation, and the sums paid;

- (3) A report, in detail, of all charges for salaries, commissions and allowances, showing in each case the name of the person, the service or duty performed and the amount paid;
- (4) A report, in detail, of the expenditure of the department within the said year for printing and advertising, and for all incidental and miscellaneous items of disbursement, showing the sum paid under each head of expenditure and the names of the persons to whom paid;
- (5) A report of all cases occurring within the said year of the abstraction or loss of letters containing money sent through the post, showing the particulars of each case, and stating the result of the proceedings instituted therein by the department;
- (6) A report of the money order offices in operation at any time within the said year, designating in each case the situation of the office, the number and amount of orders issued and paid, and the amount of commission arising thereupon at each office respectively, distinguishing, with respect to the commission, the proportion allowed as compensation to the postmaster and the proportion accruing to the revenue in each case;
- (7) The cost of the money order system for the year to which the report relates, specifying, in detail, the disbursements for salaries, advertising, account books, printing, stationery and every other item of expenditure;
- (8) The losses, if any, sustained in conducting the money system and how incurred;
- (9) Statement of dead letters received during the year and their contents, valuable or otherwise, showing how such letters have been disposed of;
- (10) Statement of Post Office Savings' Bank transactions due the said year, and of the total amount due, at the close of same, to all depositors.

OFFENCES AND PENALTIES.

65. Everyone who steals, embezzles, secrets or destroys any post letter is guilty of felony, and liable to imprisonment for a term not exceeding three years with hard labor.

66. Everyone who steals from or out of a post letter any chattel, money, or valuable security, is guilty of felony, and liable to imprisonment for a term not exceeding three years with hard labor.

67. Everyone who steals a post letter-bag, or a post letter from a post letter-bag, or a post letter from any Post office, or from any officer or person employed in the Newfoundland Post Office, or from a mail, or stops a mail with intent to rob or search the same, is guilty of felony, and liable to imprisonment for a term not exceeding three years with hard labor.

68. Everyone who unlawfully opens any post letter-bag or unlawfully takes any letter or other mailable article out of such bag, is guilty of felony, and liable to imprisonment for a term not exceeding three years with hard labor.

69. Everyone who steals, embezzles or secretes any parcel sent by parcel post or any article contained in any such parcel, is guilty of felony, and liable to imprisonment for a term not exceeding three years hard labor.

70. Everyone who receives any post letter, or post letter-bag, or any chattel, money or valuable security, parcel or other thing, the stealing, taking, secreting or embezzling whereof is hereby declared to be felony, knowing the same to have been feloniously stolen, taken, secreted or embezzled, is guilty of felony, and liable to imprisonment for a term not exceeding three years with hard labor.

71. Everyone who unlawfully issues any money order with a fraudulent intent, is guilty of felony, and liable to imprisonment for a term not exceeding three years with hard labor.

72. Everyone who forges, counterfeits or imitates any postage stamp issued or used under the authority of this Chapter, or by or under the authority of the Government or proper authority of the United Kingdom, or of any British possession, or of any foreign country, or knowingly uses any such forged, counterfeit or imitated stamp, or engraves, cuts, sinks, or makes any plate, die, or other thing whereby to

forge, counterfeit or imitate such stamp or any part or portion thereof: or has possession of any such plate, die or other thing as aforesaid, except by the permission, in writing, of the Postmaster General, or of some officer or person who, under regulations made in that behalf, may lawfully grant such permission; or forges, counterfeits, or unlawfully imitates, uses or affixes, to or upon any letter or packet, any stamp, signature, initials or other mark or sign purporting that such letter or packet ought to pass free of postage, or at a lower rate of postage, or that the postage thereon or any part thereof has been prepaid or ought to be paid by or charged to any person or department, is guilty of felony, and liable to imprisonment for a term not exceeding three years with hard labor.

73. Everyone who forges, counterfeits or imitates any Post Office money order, or advice of such money order, or Post Office Savings' Bank depositor's book, or authority of the Postmaster General for repayment of a Post Office Savings' Bank deposit, or any part thereof, with intent to defraud is guilty of felony and liable to imprisonment for a term not exceeding three years with hard labour.

74. Everyone who wilfully and maliciously destroys, damages, detains, or delays any letter or other mailable article sent by post, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

75. Everyone who encloses in or with any letter, packet or other mailable matter sent by post, or puts into any Post Office any explosive, dangerous or destructive substance or liquid, or any matter or thing likely to injure any letter or other mailable matter, or the person of any officer or servant of the Post Office, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

76. Every person who encloses a letter or letters, or any writing intended to serve the purpose of a letter or post card, in a parcel posted for the parcel post, or in a packet of samples or patterns posted to pass at the rate of postage applicable to samples and patterns; or encloses a letter or post card, or any writing to serve the purpose of a letter or post card, or encloses any other thing in a newspaper posted to pass as a newspaper at the rate of postage applicable to newspapers (except in the case of the accounts and receipts of newspaper publishers, which shall be permitted to pass folded within the newspaper sent by them to their subscribers), or encloses a letter, or any writing intended to serve the purpose of a letter or post-card, in any mail matter sent by post not being a letter, shall incur a penalty not exceeding forty dollars for each offence.

77. Everyone who with fraudulent intent removes from any letter, newspaper, or other mailable matter sent by post, any postage stamp which has been affixed thereon, or wilfully, with intent aforesaid, removes from any postage stamp or post-card, post band or wrapper which has been previously used, any mark which has been made thereon at any Post Office, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

78. Everyone who cuts, tears, rips, or wilfully damages or destroys any post letter-bag, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

79. Everyone who, being a mail carrier or person employed to convey any mail, post letter-bag or post letters, is guilty of any act of drunkenness, negligence or misconduct, whereby the safety or punctual delivery of such mail, post letter-bag, or post-letters might be endangered, or contrary to this Chapter, or any regulation made under it, collects, receives, or delivers any letter or other mailable matter, or neglects to use due care and diligence to convey any mail, post letter-bag or post letter at a rate of speed appointed therefor by the regulations then in force or the contract under which he acts, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

80. Everyone who, being a Postmaster or other person authorized to issue money orders, issues any money order, unless he has previously received the purchase money or sum payable therefor, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

81. Everyone who, being a Postmaster, wilfully destroys, mutilates or obliterates, or refuses to produce or to deliver up to any inspector or other proper officer of the Post Office Department, on demand, any book containing, or which ought to contain, the record or account of the money orders issued or paid, or of the registered letters or other business of his office, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

82. Everyone who, being a Postmaster or other officer, agent or employee of the Post Office department, hypothecates, pledges, or subjects to any lien in any shape or way, any postage stamps, stamped envelopes, post cards, post bands or wrappers intrusted to him for safe keeping, sale or issue to the public, or for any other purpose, or attempts to commit such offence, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

83. Everyone who posts, for transmission or delivery by or through the post, any obscene or immoral book, pamphlet, picture, print, engraving, lithograph, photograph, or other publication, matter or thing of an indecent, immoral, seditious, disloyal, scurrilous or libellous character; or any letter, upon the outside or envelope of which, or any post card or post band or wrapper upon which there are words, devices, matters or things of the character aforesaid, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

84. Everyone who wilfully violates any regulation lawfully made under this Chapter is guilty of a misdemeanor, if such violation is declared to be a misdemeanor by such regulation, and shall be liable to imprisonment for a term not exceeding three years.

85. Every officer of or connected with the Post Office who converts to his own use in any way whatsoever, or uses by way of investment in any kind of property or merchandize, or lends, with or without interest, any portion of the public moneys entrusted to him for safe keeping, transfer, disbursement, or for any other purpose, shall be deemed to have embezzled so much of the said moneys as are so taken, converted, invested, used or lent, and is guilty of a felony; and the neglect or refusal to pay over any public moneys in hands, or to transfer or disburse any such moneys promptly, on the requirement of the Postmaster General, shall be *prima facie* evidence of such conversion to his own use of so much of the public moneys as are in the hands of such officer; and every person who advises or knowingly and wilfully participates in such embezzlement shall, for every such offence, forfeit to pay to His Majesty a fine equal to the amount of the money embezzled, and shall be liable to imprisonment for a term not exceeding three years with hard labor.

86. No person, other than a Postmaster, shall exercise the business of selling postage stamps, post cards, stamped envelopes or stamped post bands or wrappers to the public, unless duly licensed so to do by the Postmaster General, and under such conditions as he prescribes; and every person who violates this provision by selling postage stamps, post cards, or stamped envelopes or stamped post bands or wrappers to the public without a license from the Postmaster General shall, on summary conviction, incur a penalty not exceeding forty dollars for each offence.

87. Every person who wilfully or maliciously injures or destroys any street letter box, pillar box, or other receptacle established by authority of the Postmaster General for the deposit of letters or other mailable mat-

ter, is guilty of a misdemeanor and liable to imprisonment for a term not exceeding three years.

88. Every person who uses or attempts to use in prepayment of postage on any letter or mailable matter posted in Newfoundland, any postage stamp which has been before used for a like purpose, or who uses or attempts to use for the purpose of transmission by or through the post, any post card or stamped envelope, or stamped post band or wrapper which has been before used for a like purpose, shall incur a penalty not exceeding forty dollars for every such offence; and the letter or other mailable matter on which such stamp has been so improperly used, and the post card, stamped envelope or stamped post band or wrapper so used more than once may be detained, or, in the discretion of the Postmaster General, forwarded to its destination charged with the double postage.

89. Every person who, without the authority of the Postmaster General, (the proof of which authority shall rest on such person), places or permits, or causes to be placed or to remain on his house or premises the words "Post Office," or any other words or marks which imply or give reasonable cause to believe that such house or premises is a post office or a place for the receipt of letters, shall, on summary conviction, incur a penalty not exceeding forty dollars for each offence.

PROCEDURE, CRIMINAL AND CIVIL.

90. Every indictable offence against this Chapter may be dealt with, inquired of, tried and punished, and laid and charged to have been committed, either in the district or place where the offence is committed, or in that in which the offender is apprehended or is in custody, as if actually committed therein:

- (1) When the offence is committed in or upon or in respect of a mail, or upon a person engaged in the conveyance or delivery of a post letter-bag, or post letter, or chattel, or money, or valuable security sent by post, such offence may be dealt with and inquired of, tried and punished, and charged to have been committed as well within the district, or place in which the offender is apprehended or is in custody, as in any district or place through any part whereof such mail, person, post letter-bag, post letter, chattel, money, or valuable security passed in the course of conveyance and delivery by the post, in the same manner as if it had been actually committed in such district or place.

91. Every accessory before or after the fact, if the offence is felony, and every person aiding or abetting, or counselling, or procuring the commission of any offence, if the same is a misdemeanor, may be dealt with, indicted, tried, and punished as if he were a principal, and his offence may be laid and charged to have been committed in any district or place where the principal offender may be tried.

92. When an offence is committed in respect of a post letter bag, or a post letter, or other mailable matter chattel, money, or valuable security, sent by post, the property of such post-letter bag, post letter, or other mailable matter, chattel, money or valuable security sent by post, may in the indictment preferred against the offender, be laid in the Postmaster General; and it shall not be necessary to allege in the indictment, or to prove upon the trial or otherwise, that the post letter bag, post letter, or other mailable matter, chattel, or valuable security was of any value:

(1) The property of any chattel or thing used or employed in the service of the Post Office, or of moneys arising from duties of postage, shall, except in the cases aforesaid, be laid in His Majesty, if the same is the property of His Majesty or if the loss thereof would be borne by His Majesty, and not by any person in his private capacity.

(2) In any indictment against any person employed in the Post Office, for any offence against this Chapter, or in any indictment against any person for an offence committed in respect of any person so employed, it shall be sufficient to allege that such offender or other person as aforesaid, was employed in the Post Office at the time of the commission of such offence, without stating further the nature or particulars of his employment.

93. The Postmaster General may (subject to the approval of the Governor in Council), compromise and compound any action, suit or information at any time commenced by his authority, or under his control, against any person for recovering any pecuniary penalty incurred under this Chapter on such terms and conditions as he in his discretion thinks proper, with full power to him, or any of the officers or persons acting under his orders, to accept the penalty so incurred, or alleged to be incurred, or any part thereof, without action, suit or information brought or commenced for the recovery thereof.

94. Every pecuniary penalty imposed by this Chapter, or by any re-

gulation of the Postmaster General made under it, shall be recoverable with costs by the Postmaster General by civil action or complaint before a Stipendiary Magistrate or a Justice of the Peace, and shall belong to His Majesty for the public uses of the Colony, saving always the power of the Governor in Council to allow any part or the whole of such penalty to the officer or person by whose information or intervention the same was recovered; but no such penalty shall be sued for except within one year after it is incurred.

- (1) Every offence which is in this Chapter declared to be a felony, and every offence which is in this Chapter or in the regulations made thereunder declared to be a misdemeanor, may, if the Minister of Justice shall be of opinion that the matter should be disposed of summarily, and if the accused person consents, be tried before a Stipendiary Magistrate or Justice of the Peace, and in such case the accused, if convicted, shall be liable to imprisonment for a term not exceeding six months, with or without hard labour.

95. In any action or proceeding for the recovery of postage, or of any penalty under this Chapter, the same may be recovered on the evidence of any one credible witness, and any postmaster or other officer or servant of the Post Office of Newfoundland shall be a competent witness, although he is entitled to, or entertains reasonable expectations of receiving some portion or the whole of the sum to be recovered; and the burden of proof that any thing proved to have been done by the defendant was in conformity to or without violation of this Chapter, shall lie upon the defendant.

96. In any action, suit or proceeding against any postmaster or other officer of the Post Office of Newfoundland, or his sureties, for the recovery of any sum of money alleged to be due to the Crown as the balance remaining unpaid of moneys received by such postmaster, or officer, by virtue of his office, a statement of the account of such postmaster or officer showing such balance, and attested as correct by the certificate and signature of the accountant of the Post Office of Newfoundland, or of the officer then doing the duties of such accountant, shall be evidence that such amount is so due, and unpaid as aforesaid; and in every such suit judgment shall be rendered for double the amount appearing by such account to be so due to the Crown by the defendant.

97. All suits, proceedings, contracts and official acts brought, had, entered into or done by the Postmaster General, shall be brought, had, en-

tered into or done in and by his name of office, and may be continued, enforced and completed by his successor in office as fully and effectually as by himself; and no appointment or authority of any Postmaster General of Newfoundland, or any postmaster, officer or servant of the Post Office shall be liable to be traversed or called in question, in any case, except by those who act for the Crown:

- (1) All suits for the recovery of debts or balances due His Majesty in respect to the Postal Service, whether they appear by bond or obligation made in the name of the existing or any preceding Postmaster General, or otherwise, may be instituted in the name of the Postmaster General.

SECURITY BY OFFICERS.

98. Any bond or instrument of guarantee given and executed to His Majesty, by any person or body corporate, as security for the due performance of the duties of his office, by any officer, employee, clerk or servant employed by or under the Postmaster General, may be expressed to extend to, and to include as a breach of the conditions thereof, any theft, larceny, robbery, embezzlement, loss or destruction by such officer, employee, clerk or servant, or through his malfeasance, misfeasance or neglect of duty, of any money, goods, chattels, valuables or effects, or of any letter or parcel containing the same, which may come into his custody or possession as such officer, employee, clerk or servant, and although the same does not belong to the Crown, and the Postmaster General is not liable for the loss thereof; and His Majesty may, upon such bond or instrument of guarantee, proceed for, demand and recover the amount or value of any such money, goods, chattels, valuables or effects not otherwise recovered by or for the persons entitled to the same, to the amount of the penalty stipulated in such bond or instrument; and upon the recovery and receipt of the same the Postmaster General shall apportion and pay the same to such person, or amongst such persons, as he determines to be the owner of or otherwise entitled to receive any such money, goods, chattels, valuables or effects, or the equivalent or value thereof; but nothing herein contained shall create any liability on the part of His Majesty or the Postmaster General, to any person whomsoever, to indemnify or hold harmless, pay or reimburse such person for the loss of any such money, goods, chattels, valuables or effects, except as herein expressly provided.

99. All provisions of Chapter 22 of these Consolidated Statutes, entitled "Of the Customs," and more especially the provisions for protecting officers and others employed in collecting duties, or in preventing the evasion of the laws imposing duties, when in the per-

formance of the duties of their office, or in respect of suits or proceedings against them for things done, or alleged to be done, in pursuance of any law, shall extend and apply in like manner to officers and persons employed in or under the Post Office of Newfoundland, and to suits or proceedings against them for things done, or alleged to be done, under this Chapter.

100. The Postmaster General, subject to the approval of the Governor in Council, may make rules and regulations for the purpose of carrying into effect this Chapter, and alter and amend the same, which rules and regulations, together with such alterations and amendments, when published under the authority of the Governor in Council in the *Royal Gazette*, shall be deemed to be part of, and incorporate with, this Chapter.

NOMENCLATURE BOARD.

101. The Governor in Council shall appoint, for the purpose hereinafter set forth, a Board of seven persons, of whom one shall be the Postmaster General for the time being. The said Board shall meet at such times and places as shall be determined by the Postmaster General.

102. When an application is made to the Governor in Council or to the Postmaster General to alter the name of, name or rename any settlement, village or town in this Colony, such application shall be referred to the Board hereinbefore mentioned, who shall report thereon to the Governor in Council, and if the said Board report favorably upon such alteration of name, naming or re-naming, the Governor in Council shall thereupon cause notice of such alteration, naming or re-naming to be given by proclamation, and the name so made or given shall thereafter be the name of the town, village or settlement whose name shall have been so changed, made or given, and shall be the name of the post office therein: Provided that no name shall be so given or altered, and the proclamation therefor shall not be issued unless and until notice of such intended naming or alteration shall have been published in the *Royal Gazette*, and one other newspaper published in the Colony, once every week for a period of three months.

TELEGRAPH SERVICE.

103. The Post-Office Department shall have control of the telegraphic services of the Colony, and the administration of this part of this Chapter and the control of the Department are vested in the Postmaster General.

104. Every official of the Department, before exercising the duties

of his office, shall take and subscribe before a Justice of the Peace, a declaration in the form of Schedule A to this Chapter.

105. The Postmaster General shall have the exclusive privilege of erecting and maintaining telegraph lines, and of transmitting telegrams or other communications by telegraph, within the Colony, and performing all the incidental services of receiving, collecting or delivering such telegrams or communications, except as provided by this Chapter or the regulations: Provided that—

- (1) The Railway Contractors shall have authority to erect and maintain within the Railway boundaries telegraph lines required for the working of the Railways; and
- (2) The Railway Contractors may maintain, for the time and to the extent authorized by Act, any telegraph lines erected in pursuance of rights conferred by any Act in force at the commencement of this Chapter and which are required for the working of the Railway.

But except by authority of the Postmaster General no such telegraph line shall be used for the purpose of transmitting and delivering telegrams for the public. Where such authority is obtained the revenue derived from such telegrams shall be divided between the Department and the Railway Contractors in such proportions as may be mutually arranged.

- 106.** (1) The Postmaster General or any person authorized in that behalf by the Postmaster General may enter into a contract with any other person for the construction of any telegraph line by such person for the Postmaster General.
- (2) Every telegraph line constructed or to be constructed within the Colony shall be subject to the provisions of this Chapter and the regulations.

107. Any person acting under the authority of the Postmaster General may for the purpose of this Chapter, enter upon any land and survey and take levels thereof, and dig, fell, remove and carry away from the land, earth, stone, gravel, sand or other soil or timber, or trees required to be used in constructing or maintaining a telegraph line or the works connected therewith.

108. A person so authorized may cause to be set up, or opened up, or laid down and maintained a telegraph line or any works necessary for the purposes of this Chapter, upon, under or through any land or any

shore of the sea, road, stream or water, and may break, excavate and remove any soil to the extent and depth required for placing or removing the works: Provided that every wire or cord, crossing a road, or commonly used waggon track, or water above the surface, shall be at least twenty feet from the surface, and that the free use of any land, shore, road or water shall not be obstructed more than is necessary for the purposes of this Chapter.

109. A person so authorized may whenever it is necessary for continuing or completing a telegraph line, cause a wire or cord to be supported by affixing or annexing the same to, in or upon, through or against any part of a house, building or other structure in a city, town or village: Provided that the wire or cord if aerial is eighteen feet at the least from the surface of the earth on which the house, building or other structure is situate.

110. Such trees or underwood as obstruct, or, in the opinion of the Postmaster General, or other officer duly authorized by him, are likely to interfere with the proper working of any telegraph line, if grown upon Crown lands, or upon any road, street or highway, may be cut down or lopped as may be deemed necessary by the said Postmaster General or such officer, and if growing upon private lands within twenty feet of any such line, then the proprietor or occupier of such private lands shall cut down or lop the same, as and when required so to do by the said Postmaster General or such officer, and upon default, the said Postmaster General or such officer may enter upon the said private lands and cause such trees and underwood to be cut or lopped as may be deemed necessary.

111. (1) Where subsequently to the erection of a telegraph line, whether erected before or after the commencement of this Chapter, a fence is erected crossing the line of direction of such telegraph line, the owner of such fence shall at his own cost on the demand of the Postmaster General, in writing, cause a gate or slip-rails at least ten feet wide to be put in such fence, at the point of intersection with the telegraph line, to admit the passage at all times of any vehicle used in the repair of such telegraph line.

(2) Any person being employed in the repair of a telegraph line, if such demand has not been complied with, within fourteen days after such demand, may remove, cut down, or otherwise break through such fence.

(3) Where previously to the erection of a telegraph line, a fence has been erected which is subsequently crossed by a telegraph line, the person causing the erection of such telegraph line may, if authorized by the Postmaster General, in writing, cause a gate or slip-rails at least ten feet wide to be put in the manner aforesaid at the expense of the Postmaster General, and shall give the owner of such fence seven days notice in writing of his intention to do so.

(4) The owner, within the meaning of this section, shall include the person in occupation of the lands on which the fence is erected.

112. The Postmaster General, or any person authorized by him, may, after notice to the local or other authority having the care and management thereof, place and maintain any lines or pipes, tunnels or tubes for purposes of telegraphic or pneumatic communication or despatch, under any street or public road, and may alter or remove the same, and for such purposes may break up any street or public road and alter the position thereunder of any pipe (not being a sewer or drain, or a main for the supply of water or gas or electricity.)

113. (1) In the exercise of the powers conferred by this Chapter, the Postmaster General, or the person so authorized as herein mentioned, shall do as little damage as possible, and the Postmaster General shall make adequate compensation to all persons interested for any damages sustained by them by reason of the exercise of such powers.

(2) The compensation, if the amount cannot be otherwise agreed upon, shall be settled by arbitration. The Postmaster General shall appoint one arbitrator and the person interested another, and the two so appointed may appoint an umpire.

114. (1) Telegrams shall, as far as practicable, be transmitted in the order in which they are received, but urgent telegrams, that is to say, telegrams for which the prescribed increased rate is paid, and telegrams relating to the arrest of criminals, the discovery or prevention of crime, the administration of Justice, and, when so required, telegrams on the public service, shall be transmitted before other telegrams.

(2) Provided that regulations may be made prescribing the order of

transmission of delayed telegrams, that is to say, telegrams upon which reduced rates are to be paid.

- (3) Every officer wilfully offending against the provisions of this section shall be liable to a penalty not exceeding four hundred dollars, or imprisonment not exceeding two years.

115. Any person employed under the authority of the Postmaster General may refuse to receive or transmit a telegram containing blasphemous, indecent, obscene, offensive, or scandalous matter in its contents, address or signature.

116. The Postmaster General may, with the approval of the Governor in Council, enter into an arrangement with the Anglo-American Telegraph Company for the taking over of the land lines and property of the said Company, either altogether or in part; for the purposes of the Department, or into any arrangement whatsoever for the purchase, management and operating of such lines, and the extinction of their rights by charter or otherwise, or any part thereof as may seem desirable in the public interest.

117. Nothing in this Chapter contained shall affect any rights which the said Anglo-American Telegraph Company has under its Charter or any Act of the Legislature.

REGULATIONS.

118. The Postmaster General, with the approval of the Governor in Council, may make regulations for the following purposes or any of them:

- (1) Providing for the landing of cables in this Colony, and the carrying on of cable, telegraphic or telephonic business by any company, corporation or person; also for the establishment and management of post offices and telegraph offices, and the receipt of, despatch, carriage and delivery of postal articles and telegrams, and for the conduct and guidance of all postmasters and other officers and servants of the Department.
- (2) Prescribing the fees, rates and dues to be received for—
 - (a) Any conversation on any telegraph line, or on any telephone exchange or private telephone line;

- (b) Rent or hire for the use of any such exchange or private telephone;
 - (c) And generally for the management, working and maintenance of any or all such telegraph lines.
- (3) Prescribing the terms and conditions on which agreements may be made with any company or person for the right to land cables in this Colony, and to carry on cable business with any company or person for the construction and maintenance of a telegraph line for the exclusive use of any company or person, or for granting the exclusive use of existing telegraph line to any company or person, and prescribing the scale and times and manner of payment, in advance or otherwise, of the rent and charges to be paid by such person as the consideration of the agreement, and for the payment of any license or other fees by such companies or persons for the use of any existing telegraph lines.
- (4) Securing the telegraph lines and works of the Postmaster General from interference or injurious affection by electric lines or works.
- (5) All other matters and things which may be necessary for carrying out this Chapter, or for the efficient administration thereof.
- (6) Prescribing penalties not exceeding two hundred dollars for the breach of any regulation.

Such regulations shall, when published in the *Royal Gazette*, have the force of law from a date to be specified in such regulations, but not less than fourteen days from such publication.

The production of the *Royal Gazette* containing a regulation shall be sufficient evidence of the due making of the regulation and that it is still in force.

All such regulations and alterations thereof shall be laid before both Houses of the Legislature within fourteen days after the making thereof, if the Legislature be then sitting, or if not, within fourteen days after the next meeting of the Legislature.

119. Any person who—

- (1) Forges a telegram, or utters a telegram knowing the same to be forged; or

- (2) Transmits by telegraph as a telegram any message or communication purporting to be a telegram which he knows to be forged;

shall, whether he had or had not any intent to defraud, be guilty of an indictable offence, and shall be liable to imprisonment, with or without hard labor, for a term not exceeding three years.

120. Any person who—

- (1) Knowingly sends, delivers or causes to be sent or delivered, to any officer or servant of the Department for the purpose of being transmitted as a telegram, a message or writing which purports to be signed or sent by any other person, without such person's authority; or
- (2) Wrongfully signs a telegram with the name of another person without such person's authority, or with the name of some fictitious person; or
- (3) Wilfully and without the authority of the sender alters a telegram; or
- (4) Writes, issues or delivers a document which purports to be a telegram received through a telegraph office and which was not so received;

shall be guilty of an indictable offence, and be liable to a penalty not exceeding four hundred dollars, or to imprisonment with or without hard labour for any term not exceeding two years.

121. Any person who, with fraudulent intent, sends any letter, telegram or other communication or message concerning any money order, or any money due or receivable from, or by any person in respect of a money order, shall be guilty of an indictable offence, and shall be liable to imprisonment, with or without hard labour, for any term not exceeding three years.

122. Any person employed in a telegraph office who divulges the contents or substance of a telegram otherwise than by delivering the telegram, or giving a copy of it to the person to whom he is authorized to deliver such telegram, or give such copy, shall be guilty of a misdemeanour, and on conviction thereof, shall be liable for every such offence to a penalty not exceeding four hundred dollars, or to imprisonment without hard labour for any term not exceeding two years.

123. (1) Except as provided in sections 105 and 106, any person who, without the authority of the Postmaster General, the proof of which authority shall be on the person charged, sets up, maintains or uses in or on any crown lands, or in or on any public road, street, or highway, any telegraph line, or wilfully uses any telegraph line set up before or after the commencement of this Chapter, and neglects to comply with any notice from the Postmaster General to pay such charges (if any) in respect of the line, as may, from time to time, be fixed by the Governor, shall be liable to a penalty not exceeding Twenty-five dollars for every day during which any such line is, or continues to be so set up, maintained or used contrary to the provisions of this Chapter.

(2) The Postmaster General may authorize any person to take absolute possession of, cut down or destroy the whole or any part of any such line.

124. Any person who, having entered into an agreement with the Postmaster General for the use by such person of a telegraph line, without the authority of the Postmaster General, demands or makes any charge or receives any payment or valuable consideration from any other person for the use of the same, shall be liable for each offence to a penalty not less than ten dollars, and not exceeding two hundred dollars.

125. (1) Any person duly authorized in that behalf by the Postmaster General, may enter into any Post Office or Telegraph Office and take possession of all property, moneys, money orders, letters, goods, chattels or effects therein belonging to, or appertaining to the Department, and may for such purpose, remain a reasonable time in the post office or telegraph office, or in or upon the premises where the post office or telegraph office is situated.

(2) Any person who wilfully obstructs, hinders or delays any person so entering, taking possession, or remaining as aforesaid, shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment for any term not exceeding six months.

126. Any person who resists any person acting in execution of this Chapter, shall be liable to a penalty not exceeding one hundred dollars, or

to be imprisoned for any term not exceeding six months.

127. Every person taken into the employment of the Department as a telegraph messenger, shall immediately on attaining the age of eighteen years, cease to be so employed, but may, if eligible, be appointed to some other position in the public service.

128. Any person, with the permission in writing of the Postmaster General, may perforate postage stamps with such letters, figures or designs as are prescribed in such writing, and stamps so perforated shall not be considered to be defaced within the meaning of this Chapter, and shall be received in payment of any postage fees or dues and telegraph fees, but no stamps so perforated shall be purchased or exchanged by any postmaster or servant of the Department.

129. Every postal article received in a Post Office—

- (1) On which the postage stamps have been previously obliterated or defaced; or
 - (2) Which contains an enclosure contrary to the provisions of this Chapter; or
 - (3) Which is posted contrary in any other way to the provisions of this Chapter or the regulations; or
 - (4) On the outside of which any profane, blasphemous, indecent, offensive or libellous matter is written,
- shall be deemed to be posted in contravention of this Chapter.

130. Every postal article—

- (1) Which is without address or bears an illegible address; or
 - (2) Which is posted or is reasonably suspected to be posted in contravention of this Chapter; or
 - (3) Which the person to whom it is addressed refuses to receive; or
 - (4) Upon which any postage is payable by the person to whom it is addressed, and in respect of which such person refuses to pay the postage;
- shall be transmitted without delay by the postmaster receiving it to the General Post Office. Every postal article containing or supposed to contain an enclosure upon which the duties of customs are payable shall be dealt with in the prescribed manner.

- 131.** (1) The Postmaster General or his officers may examine any newspaper or packet sent by post without a cover, or in a cover open at the ends or sides, and bearing less than the letter rate of postage, in order to discover whether it was posted in conformity with this Chapter or the regulations.
- (2) The question whether any postal article is entitled to be sent as a newspaper or packet shall, if disputed, be referred to the Postmaster General for determination, and his decision shall be final.

- 132.** (1) All telegrams and postal articles sent by post and addressed to any person at any inn, hotel or at any lodging house, or at any house at which lodgers are received, and delivered to the occupier or manager of such inn, hotel or house, shall be deemed to be under the control of the Postmaster General, until delivered to the person to whom the same are addressed, and if the same are not so delivered within one month after the receipt of the same by such occupier or manager, and if instructions to the contrary are not received from the person to whom the same are addressed, they shall be returned to a letter carrier, or to the nearest post office, and kept thereat for delivery for such time as may be prescribed, and at the expiration of such time, shall be transmitted to the General Post Office. All such telegrams and postal articles transmitted to the General Post Office under the provisions of this section shall there be dealt with as undelivered and unclaimed.

- (2) Every such occupier or manager wilfully omitting or failing to return any such telegram or postal article, as aforesaid, shall be liable to a penalty not exceeding twenty dollars.

133. Whenever any person becomes or is declared insolvent the Postmaster General, if so directed by the order of the Court, shall, until a date to be specified in such order, cause any postal article addressed to such insolvent to be delivered to the trustee or other person named in such order.

134. Postal articles addressed to a deceased person may be delivered to the executors or administrators of such deceased person on production of the probate or letters of administration; but until such production the Postmaster General or Postmaster may cause such postal articles to be delivered as may be prescribed.

135. When the despatch or delivery of letters from a post office would be delayed by the despatch or delivery at the same time of post cards, books, packets, newspapers or parcels, the latter or any of them may, subject to the regulations, be detained in the post office until a later despatch or delivery.

136. (1) The Postmaster General may order the destruction, in such manner as he thinks fit, of any telegrams, books of record, telegraph tape, letter bills, registered letter receipts, money orders, returns, requisitions, orders for delivery of letters, or letters to the Department, or any other document or the butts thereof: provided that such telegrams have not been written within the period of two years prior to the date of any such order, and that such books and other documents have not been printed, written or prepared within the period of one year prior to the date of any such order, and the Government or the Postmaster General, or any officer of the Post Office, shall not be accountable in any manner to any person for any telegrams, books or documents so destroyed, and no claim for damages shall arise to any person by reason of any such destruction.

(2) In this section "document" shall be deemed to include documents relating to the parcel post.

WIRELESS TELEGRAPH STATIONS.

137. (1) A person shall not establish any wireless telegraph station, or instal or work any apparatus for wireless telegraphy, in any place in this Colony, or on board any ship registered in this Colony, except under and in accordance with a license granted in that behalf by the Postmaster General, with the consent of the Governor in Council.

(2) Every such license shall be in such form and for such period as the Postmaster General may determine, and shall contain the terms, conditions, and restrictions on and subject to which the license is granted, and any such license may include two or more stations, places or ships.

(3) If any person establishes a Wireless Telegraph Station without a license in that behalf, or installs or works any apparatus for wireless telegraphy without a license in that behalf, he shall be guilty of a misdemeanor, and be liable on conviction in a summary manner before a Stipendiary Magistrate to a pen-

alty not exceeding fifty dollars, and on conviction or indictment to a fine not exceeding five hundred dollars, or to imprisonment with or without hard labor, for a term not exceeding twelve months, and in either case be liable to forfeit any apparatus for wireless telegraphy installed or worked without a license, but no proceedings shall be taken against any person under this Chapter except by order of the Postmaster General.

- (4) If a Stipendiary Magistrate is satisfied by information on oath that there is reasonable ground for supposing that a wireless telegraph station has been established without a license in that behalf, or that any apparatus for wireless telegraphy has been installed or worked in any place or on board any ship as aforesaid without a license in that behalf, he may grant a search warrant to any police officer or any officer appointed in that behalf by the Postmaster General, and named in the warrant, and a warrant so granted shall authorize the officer named therein to enter and inspect the station, place or ship, and to seize any apparatus which appears to him to be used, or intended to be used, for wireless telegraphy therein.
- (5) When a fine under this section is imposed by a Court, Judge or Magistrate, and the master or owner of any ship is ordered to pay the same and the same is not paid at the time and in the manner prescribed, the Court, Judge, or Magistrate making the order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.
- (6) The Postmaster General may make regulations for prescribing the form and manner in which applications for licenses under this section are to be made, and with the consent of the Governor in Council, the fees payable on the grant of any such license.
- (7) The expression "wireless telegraphy" means any system of communication by telegraph as defined in this Chapter without the aid of any wire connecting the points from and at which the messages or other communications are sent and received.

138. The Postmaster General, with the approval of the Governor

in Council, may make regulations for governing the use of wireless telegraphy on British or foreign merchant ships not registered in Newfoundland when such ships are within the territorial waters of the Colony.

- (1) Such regulations shall, when published in the *Royal Gazette*, have the force of law, from a date to be specified in such regulations, but not less than fourteen days from such publication.
- (2) The production of the *Royal Gazette* containing a regulation, shall be sufficient evidence, of the due making of the regulation, and that it is still in force.
- (3) All such regulations and alterations thereof shall be laid before both Houses of the Legislature within fourteen days after the making thereof, if the Legislature be then sitting, or if not, within fourteen days after the next meeting of the Legislature.

SCHEDULE A.

I, A. B., do solemnly and sincerely declare that I will not willingly or knowingly open, detain, return or delay, or cause or suffer to be opened, detained, returned or delayed, any postal article which shall come into my hands, power or custody by reason of my employment relating to the Department, except by consent of the person or persons to whom such postal article shall be directed, or by an express warrant in writing for that purpose, under the hand of the Postmaster General or unless otherwise in pursuance and under the authority of any of the provisions in that behalf contained in any Act, law or duly authorized regulation of the Department passed and made for, or in relation to, the postage and conveyance of postal articles. And I further declare that I will be true and faithful in the execution of the telegraph duties intrusted to me, and that I will hold strictly secret all telegraphic or other communications that may pass through my hands in the performance of my duties. I also further declare that I will not give any information directly or indirectly, respecting any telegrams or despatches transmitted or intended to be transmitted by telegraph, except to the person to whom such telegrams or despatches may be addressed or to their recognized agents.

CHAPTER 36.

Of Secrecy in the Telegraph Service.

SECTION

- 1.—Operators, &c to make declaration.
- 2.—Declarations shall be filed.

SECTION

- 3.—Person making declaration liable to penalty.
- 4.—Every operator, &c., liable to penalty. Schedule.

1. Every person who is employed in connection with any telegraph under the control of the Government, or which under any contract or agreement with any person or corporation is partly under such control, as an operator, or in any other capacity in which he has opportunities of becoming acquainted with information connected with matters of state or other information, shall, subject to the provision herein contained, before entering upon the duties of such employment, take and subscribe, before a Justice of the Peace or before a person appointed by the Governor in Council to take declarations under this Chapter, a declaration in the form set forth in the schedule to this Chapter.

2. All declarations taken under this Chapter shall be forwarded to the office of the Colonial Secretary, and shall there be kept on file; and a register thereof shall be kept in the said office.

3. Every person who has made the declaration hereinbefore mentioned, and who either directly or indirectly divulges to any person, except when lawfully authorized or directed so to do, any information which he acquires by virtue of his employment, is guilty of an offence against this Chapter, and shall, on summary conviction before a Justice of the Peace, be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment.

4. Every telegraph operator, or other person in the employ of a telegraph company, who divulges the contents of any telegram, except when lawfully authorized or directed so to do, is guilty of an offence against this Chapter, and shall, on summary conviction before a Justice of the Peace, be liable to a penalty not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment.

SCHEDULE.

I, A. B. solemnly and sincerely promise and declare that I will faithfully and honestly fulfil the duties which devolve upon me as operator (*or in other capacity, as the case may be*) upon (*state the line of telegraph*) and that I will not, either directly or indirectly, divulge to any person, except when lawfully authorized or directed so to do, any information which I acquire by virtue of my employment as such operator, (*or in other capacity, as the case may be*).

(Signature) A. B.

Declared before me, &c., &c.

CHAPTER 37.

Of Control of the Telegraph Service in Emergencies.

SECTION

1.—Governor in Council may take possession of telegraphs in certain cases.

SECTION

2.—Respecting compensation
3.—Interpretation.

1. Whenever in the opinion of the Governor an emergency shall have arisen in which it is expedient for the public service that the Government of the Colony shall have control over the transmission of messages over any telegraph line, telephone line, or by any other form of telegraphy, it shall be lawful for the Governor in Council at any time to assume and for any length of time retain possession of any telegraph line, telephone, or any other form of telegraphy in this Colony, and of all things necessary for the efficient working thereof, and he may for the same time require the exclusive service of the operators and other persons employed in working such telegraph line, telephone, or any form of telegraphy; and the company or other proprietor of such telegraph line, telephone, or any form of telegraphy, shall give up possession thereof, and the operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders and transmit and receive such despatches as they are required to receive and transmit by any officer duly authorized by the Governor in Council, and every company or other proprietor, operator or person violating any of the provisions of this section shall incur a penalty not exceeding one hundred dollars (\$100) for every refusal or neglect to comply with the requirements thereof, such penalty to be recovered by action in the name of the Minister of Finance and Customs, in a summary manner before a Stipendiary Magistrate or Justice of the Peace.

2. If any difference arises as to the compensation which ought to be paid to the company or other proprietor of any telegraph line, telephone, or any form of telegraphy so taken possession of under this Chapter, such difference shall be referred to three arbitrators, one to be appointed by the Governor in Council, another by the company or other proprietor, and the third by the two arbitrators so appointed; and the award of any two of the said arbitrators shall be final; and if the company or other proprietor refuses or neglects to appoint an arbitrator on its behalf,

or if the two arbitrators cannot agree upon a third arbitrator, then such arbitrator or third arbitrator shall be appointed by the Supreme Court on application on the part of the Governor in Council.

7. The words "telegraph line" in this Chapter shall include all cables landed in this Colony.

CHAPTER 38.

Of the Protection of Electric Telegraphs and Telephones.

SECTION

1.—Malicious injuries to telegraph a misdemeanor; penalty, etc.

SECTION

2.—Attempts to commit offences in section one
3.—Arrest without warrant.

1. Whosoever shall unlawfully and maliciously cut, break, throw down, destroy, injure, or remove any battery, machinery, wire-cable, post, or other matter or thing whatsoever, being part of, or being used or employed in or about any electric or magnetic telegraph or telephone, or in the working thereof, or shall unlawfully or maliciously prevent or obstruct in any manner whatsoever the sending, conveyance or delivery of any communication by any such telegraph or telephone shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the Supreme Court, to be imprisoned for any term not exceeding two years: provided that if it shall appear to any Justice, on the examination of any person charged with any offence against this section, that it is not expedient to the ends of justice that the same should be prosecuted by indictment, the Justice may proceed summarily to hear and determine the same, and the offender shall on conviction thereof, at the discretion of the Justice, either be committed to gaol for any term not exceeding three months, or forfeit and pay such sum of money not exceeding fifty dollars, as to the Justice shall seem meet.

2. Whosoever shall unlawfully and maliciously, by any overt act, attempt to commit any of the offences in the preceding section of this chapter mentioned, shall on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to gaol for a period not exceeding three months, or else forfeit and pay such sum of money, not exceeding fifty dollars, as to the Justice shall seem meet.

3. Any person found committing any offence against the first or second section of this chapter may be immediately apprehended without a warrant by any person, and forthwith taken before a Justice of the Peace to be dealt with according to law.

CHAPTER 39.

Of Injuries to Submarine Telegraph Cables.

SECTION

- 1.—Confirmation of Convention of 14th March, 1884.
- 2.—Penalty for unlawfully injuring a Submarine Cable.
- 3.—Persons who shall not be deemed to have acted unlawfully.
- 4.—Similar provisions to preceding section.
- 5.—Aiders or abettors guilty of misdemeanor.
- 6.—Respecting lights and signals.
- 7.—Special powers granted to Commanders of Ships of War.

SECTION

- 8.—Tribunal.
 - 9.—Merchant Shipping Act to apply.
 - 10.—Evidence before Court.
 - 11.—Concerning the navigating of offending vessels.
 - 12.—Common law rights not subordinated by provisions hereof.
 - 13.—Construction clause.
 - 14.—Time when Act shall come into force.
- Schedules—Convention and Articles thereof.

1. The Convention of the fourteenth March, one thousand eight hundred and eighty-four, and the declaration respecting the interpretation thereof, mentioned in the schedules to this chapter, as set forth in the said schedules, are hereby confirmed, and, subject to the provisions of this Chapter, the Articles of such Convention and Declaration, shall be of the same force as if they were enacted in the body of this Chapter.

2. A person shall not unlawfully and wilfully, or by culpable negligence, break or injure any submarine cable, to which the Convention for the time being applies, in such manner as might interrupt or obstruct in whole or in part telegraphic communication.

(1) Any person who acts, or attempts to act, in contravention of this section, shall be guilty of a misdemeanor, and on conviction—

- (a) If he acted wilfully, shall be liable to imprisonment for a term not exceeding two years, with or without hard labor, and to a fine, either in addition to such penal servitude or imprisonment; and
- (b) If he acted by culpable negligence, shall be liable to imprisonment for a term not exceeding three months, without hard labor, and to a fine not exceeding five hundred dollars, either in lieu of, or in addition to, such imprisonment.

3. Where a person does any act with the object of preserving the life or limb of himself or of any other person, or of preserving the vessel to

which he belongs, or any other vessel, and takes all reasonable precautions to avoid injury to a submarine cable, such person shall not be deemed to have acted unlawfully and wilfully within the meaning of this section.

4. A person shall not be deemed to have unlawfully and wilfully broken or injured any submarine cable where in the *bona fide* attempt to repair another submarine cable, injury has been done to such first mentioned cable, or the same has been broken, but this shall not apply so as to exempt such person from any liability under this chapter, or otherwise to pay the cost of repairing such breakage or injury.

5. Any person who, within or (being a subject of His Majesty) without His Majesty's dominions, in any manner procures, counsels, aids, abets, or is accessory to the commission of any offence under section two of this Chapter, shall be guilty of a misdemeanor, and shall be liable to be tried and punished for the offence as if he had been guilty as a principal.

6. (1) It is hereby declared that the enactments of the Merchant Shipping Act 1894, and the enactments amending the same, touching regulations as to lights and signals, and for avoiding of collisions, shall extend to authorise regulations for carrying into effect Articles five and six of the schedule to this Chapter, within, as well as without, the territorial waters of Her Majesty's dominions, and regulations may be made, applied, altered and revoked, and the contravention thereof punished accordingly under the said enactments; and section six of the Sea Fisheries' Act, 1883, of the Imperial Parliament, shall extend to the enforcement of the said regulations as regards sea fishing boats within the limits of that Act.

(2) If any vessel engaged in the laying or repairing of a submarine cable, to which the Convention for the time being applies, interferes, contrary to the said regulations or Articles, with any vessel engaged in fishing, or if the operations of any vessel in connection with any such submarine cable are wilfully delayed so as to interfere with sea fishing, the master of the vessel or the owner thereof, if it appear that he was in fault, shall be deemed guilty of a breach of the said regulations and may be punished accordingly.

7. (1) For the purpose of carrying into effect the Convention, a person commanding a ship of war of His Majesty, or of any

foreign state, for the time being bound by the Convention, or a ship specially commissioned for the purpose of the Convention by His Majesty or by the Government of such foreign state, may exercise and perform the powers and duties vested in and imposed on such officer by any Article in the schedule to this Chapter.

(2) If any person obstructs any such officer in such exercise or performance, or refuses or neglects to comply with any demand or direction lawfully made or given by him in pursuance of this Chapter, such person shall be liable, on summary conviction, to a fine not exceeding two hundred and fifty dollars, or to be imprisoned for a term not exceeding two months, with or without hard labor.

(3) Any action, prosecution or proceeding against any officer for any act done in pursuance or execution, or intended execution of this Chapter, or in respect of any alleged neglect or default in the execution of this Chapter, shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect or default complained of.

(4) In any such action, tender of amends before the action was commenced may, in lieu of, or in addition to, any other defence, be pleaded. If the action was commenced after such tender or is proceeded with after payment into Court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed between solicitor and client as from the time of such tender or payment.

8. Every such action shall be brought in the Supreme Court of Newfoundland.

9. Part XIII. of the Merchant Shipping Act, 1894 (which relates to legal procedure), and the enactments amending the same, so far as unrepealed, shall have effect as if enacted in this Chapter, and offences under this Chapter may be tried and fines under this Chapter recovered accordingly, save that nothing in the said part shall authorize the award of any punishment not authorized by this Chapter, or the summary prosecution of any indictable offence under this Chapter.

- 10.** (1) Any document drawn up in pursuance of Article seven or Article ten of the schedule to this Chapter, shall be admissible in any proceeding, civil or criminal, as *prima facie* evidence of the facts or matters therein stated.
- (2) If evidence taken in any such document was taken on oath in presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence, and of making his reply to such evidence, the officer drawing up such document may certify the said facts or any of them.
- (3) Any document or certificate in this section mentioned, purporting to be signed by an officer authorized to act under the schedule to this Chapter, for carrying into effect the Convention, shall be admissible in evidence without proof of such signature; and if purporting to be signed by any other person shall, if certified by any such officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.
- (4) If any person forges the signature of any such officer to any such document as above mentioned or makes use of any such document knowing the signature thereto to be forged, such person shall be guilty of a misdemeanor and liable on summary conviction to imprisonment for a term not exceeding three months, with or without hard labour; and on conviction on indictment to imprisonment, with or without hard labor, for a term not exceeding two years.

11. Where any offence against this Chapter has been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, until some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

12. The provisions of this Chapter shall be in addition to and not in derogation of any other provisions existing at common law, or under Act of the Imperial Parliament, or under the law of a British possession, for the protection of submarine cables; and nothing in this Chapter shall prevent any person from being liable under any Act of Parliament, law of a British possession, or otherwise, to any indictment, proceeding, punishment or penalty, other than is provided for any offence by this Chapter,

so that no person shall be punished twice for the same offence; and nothing in this Chapter, nor any proceedings with respect to any matter, shall exempt a person from any liability in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

13. In this Chapter, unless the context otherwise requires, the expression "vessel" means every description of vessel used in navigation, in whatever way it is propelled. Any reference to a vessel shall include a reference to a boat belonging to such vessel.

The expression "master" includes every person having command or charge of a vessel.

The expression "British possession" includes any part of His Majesty's dominions, exclusive of the United Kingdom.

The expression "person" includes a body of persons corporate or incorporate.

14. This Chapter shall come into force on such day as may be fixed by proclamation of his Excellency the Governor, and if the Convention ceases to be binding upon this Colony shall cease to be of any effect.

SCHEDULE.

SUBMARINE TELEGRAPHS CONVENTION.

Convention for the preservation of telegraphic communications by means of submarine telegraphs, made on the fourteenth of March, 1884, between Her Majesty the Queen of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Excellency the President of the Argentine Confederation; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of Brazil; His Excellency the President of the Republic of Costa Rica; His Majesty the King of Denmark; His Excellency the President of the Dominican Republic; His Majesty the King of Spain; His Excellency the President of the United States of America; His Excellency the President of the United States of Colombia; His Excellency the President of the French Republic; His Excellency the President of the Republic of Guatemala; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of the Ottomans; His Majesty the King of the Netherlands, Grand Duke of Luxemburg; His Majesty the Shah of Persia; His Majesty the King of Portugal and the Algarves;

His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Excellency the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Sweden and Norway; and His Excellency the President of the Oriental Republic of the Uruguay.

The following is an English translation of the Convention, with the omission of the formal beginning and end:

ARTICLE I.

The present Convention applies outside territorial waters to all legally established submarine cables landed on the territories, colonies or possessions of one or more of the High Contracting Parties.

ARTICLE II.

It is a punishable offence to break or injure a submarine cable wilfully or by culpable negligence in such manner as might interrupt or obstruct telegraphic communication either wholly or partially, such punishment being without prejudice to any civil action for damages.

This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

ARTICLE III.

The High Contracting Parties undertake that, on granting a concession for landing a submarine cable, they will insist so far as possible upon measures of safety being taken, both as regards the track of the cable and its dimensions.

ARTICLE IV.

The owner of a cable who, in laying or repairing his own cable, breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II. of the present Convention.

ARTICLE V.

Vessels engaged in laying or repairing submarine cable shall conform to the regulations as to signals which have been or may be adopted by mutual agreement among the High Contracting Parties, with the view of preventing collisions at sea.

When a ship engaged in repairing a cable exhibits the said signals, other vessels which see them, or are able to see them, shall withdraw to

or keep beyond a distance of one nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, fishing vessels which see, or are able to see, a telegraph ship exhibiting the said signals, shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time they shall not be interfered with in any way. The operations of the telegraph ship shall be completed as quickly as possible.

ARTICLE VI.

Vessels which see, or are able to see, the buoys shewing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one quarter of a nautical mile at least from the said buoys.

Fishing gear and nets shall be kept at the same distance.

ARTICLE VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or other fishing gear, in order to avoid injuring a submarine cable, shall receive compensation from the owner of the cable.

In order to establish a claim to such compensation, a statement, supported by the evidence of the crew, should whenever possible, be drawn up immediately after the occurrence; and the master must, within twenty-four hours after his return to, or net putting into port, make a declaration to the proper authorities.

The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.

ARTICLE VIII.

The tribunals competent to take cognizance of the infractions of the present Convention are those of the country to which the vessel on board of which the offence was committed belongs.

It is moreover understood that, in cases where the provisions in the previous paragraph cannot apply, offences against the present Convention will be dealt with in each of the Contracting States in accordance, so far as the subjects and citizens of those States respectively are concerned, with the general rules of criminal jurisdiction prescribed by the laws of that particular States or by international treaties.

ARTICLE IX.

Prosecutions for infractions provided against by Articles II, V, and VI. of the present Convention, shall be instituted by the State or in its name.

ARTICLE X.

Offences against the present Convention may be verified by all means of proof allowed by the legislation of the country of the Court. When the officers commanding the ships of war, or ships specially commissioned for the purpose by one of the High Contracting Parties, have reason to believe that an infraction of the measures provided for in the present Convention has been committed by a vessel other than a vessel of war, they may demand from the captain or master the production of the official documents proving the nationality of the said vessel. The fact of such document having been exhibited shall then be endorsed upon it immediately. Further, formal statements of the facts may be prepared by the said officers, whatever may be the nationality of the vessel incriminated. These formal statements shall be drawn up in the form and in the language used in the country to which the officer making them belongs; they may be considered in the country where they are adduced as evidence in accordance with the laws of that country. The accused and the witnesses shall have the right to add, or to have added, thereto, in their own language, any explanations they may consider useful. These declarations shall be duly signed.

ARTICLE XI.

The proceedings and trial in cases of infraction of the provisions of the present Convention, shall always take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The High Contracting Parties engage to take, or to propose to their respective Legislatures, the necessary measures for insuring the execution of the present Convention, and especially for punishing by either fine or imprisonment, or both, those who contravene the provisions of Articles II, V, VI.

ARTICLE XIII.

The High Contracting Parties will communicate to each other laws already made, or which may hereafter be made in their respective countries, relating to the object of the present Convention.

ARTICLE XIV.

States which have not signed the present Convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by the latter to the other signatory Powers.

ARTICLE XV.

It is understood that the stipulations of the present Convention do not in any way restrict the freedom of action of belligerents.

ARTICLE XVI.

The present Convention shall be brought into force on a day to be agreed upon by the High Contracting Parties. It shall remain in force for five years from that day, and unless any of the High Contracting Parties have announced, twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of one year, and so from year to year. If one of the signatory Powers denounce the Convention, such denunciation shall have effect only as regards that Power.

ARTICLE XVII.

The present Convention shall be ratified, and the ratifications exchanged at Paris with as little a delay as possible, and, at the latest, at the expiration of a year.

ADDITIONAL ARTICLE.

The stipulations of the Convention concluded under to-day's date, for the protection of Submarine Cables, shall be applicable in conformity with Article I. to the Colonies and Possessions of Her Britannic Majesty, with the exception of those hereinafter mentioned, namely:—

Canada,
Newfoundland,
The Cape,
Natal,
New South Wales,
Victoria,
Queensland,
Tasmania,
South Australia,
Western Australia,
New Zealand.

Provided always that the stipulations of the said Convention shall be applicable to any of the above-named Colonies or Possessions, on whose behalf notice to that effect shall have been given by Her Britannic Majesty's representative at Paris to the French Minister for Foreign Affairs.

Each of the above-mentioned Colonies or Possessions, which may have acceded to the said Convention, shall be at liberty to withdraw from it in the same manner as the Powers parties to it. In the event of any of the

said Colonies or Possessions desiring to withdraw from the Convention, a notification to that effect shall be made by Her Britannic Majesty's representative at Paris, to the French Minister for Foreign Affairs.

SUBMARINE TELEGRAPH DECLARATION.

Certain doubts having been raised as to the word "wilfully" used in Article II. of the Convention of the fourteenth March, One thousand eight hundred and eighty-four, it is understood that the provision in respect of penal responsibility contained in the said Article does not apply to cases of breakage or injury caused accidentally or of necessity in the repair of a cable, when all precautions have been taken to avoid such breakage or injury.

It is equally understood that Article IV. of the Convention had no other object, and is to have no other effect, than to empower the competent tribunals of each country to decide in conformity with their laws and according to the circumstances, the question of the civil responsibility of the owner of a cable who, in laying or repairing his own cable, breaks or injures another cable, as well as the consequences of such responsibility if it is recognised as existing.

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TITLE VIII.

OF THE PUBLIC HEALTH

CHAPTER 40.

Of the Board of Health, Health Officers and Quarantine.

SECTION

- 1.—Power to Governor in Council to make quarantine orders.
- 2.—To be notified by Proclamation.
- 3.—To have the force of law.
- 4.—Governor in Council may appoint officers.
- 5.—Custom officers and pilots to be subject to orders of Governor in Council.
- 6.—May appoint Boards of Health.
- 7.—May appoint Medical Health Officer.
- 8.—Duties of Boards of Health.
- 9.—Powers of Boards of Health.
- 10.—Additional powers to Boards of Health or Justices.
- 11.—Penalty for interfering with Medical Practitioner.
- 12.—Duties of householders.
- 13.—Persons suffering from contagious disorder exposing himself, subject to penalty; duties of vehicles, &c.
- 14.—Powers to enter places suspected to be dangerous, &c.

SECTION

- 15.—Definition of "Nuisance"
- 16.—Powers of Board of Health to isolate and quarantine.
- 17.—Powers of St. John's Municipal Council.
- 18.—Penalty for refusing to comply with regulations, &c.
- 19.—Servants of Board of Health protected.
- 20.—Power to Governor to affix imprisonment or other penalties.
- 21.—Power to Governor in Council to award compensation.
- 22.—Vessels to be charged with rates or fees.
- 23.—One month's notice of action to be given.
- 24.—Appointment of Public Health officer.
- 25.—Medical Practitioners to report certain diseases.
- 26.—Establishment of Quarantine.
- 27.—Power of Governor in Council to make rules for preservation of public health.
- 28.—Procedure; appeal.

1. The Governor in Council may make such general and particular quarantine orders and regulations applicable to vessels, goods, persons and things, being within this Colony or imported hither from abroad, as he may deem expedient for preventing the introduction or spread of contagious or infectious disease, and may affix penalties, forfeitures and punishments for the breach of any such general or particular orders and regulations, and for the breach or violation of any provision of this Chapter, except when otherwise provided.

2. The said general orders and regulations shall be notified by proclamation or published in the *Royal Gazette*, and the production of any such proclamation or publication shall be evidence of the making, date and contents thereof. Particular orders may be proved either by the production of the original or of a paper purporting to be a copy thereof, certified to be such under the hand of the Colonial Secretary.

3. Such general and particular orders and regulations shall have the force of law while they remain unrevoked; their expiry, revocation or amendment shall not prevent any person liable for a breach or violation

during their operation from being tried and punished therefor within twelve months after the expiry of such order or regulation.

4. The Governor in Council shall appoint all necessary officers for the due execution of the foregoing provisions of this Chapter, and the orders and regulations to be made thereunder, and shall define their respective duties and authority.

5. Custom House officers, masters of tug boats, and licensed pilots, shall be subject to the orders of the Governor in Council, for the purpose of aiding in execution of the provisions of this Chapter and the regulations and orders to be made thereunder.

6. The Governor in Council may appoint Boards of Health and define the extent of the district over which their authority shall extend. Boards of Health shall make rules and regulations for the preservation of the public health and for rendering effectual all measures of precaution against the outbreak or spreading of disease, such rules and regulations to have the force of law when approved of and published, by the authority of the Governor in Council, in the *Royal Gazette*.

7. The Governor in Council may also, when and for such time as may be considered necessary, appoint a Medical Health Officer, whose duty it shall be, subject to the directions of the Governor in Council, to co-operate and advise with the Board of Health in all matters pertaining to the public health. The Governor in Council shall fix the amount of remuneration to be paid to such Medical Officer.

8. It shall be the duty of Boards of Health, periodically and personally, or by qualified deputies, to inspect all parts of the district under their control, and in case of the existence of any condition in their opinion noxious to the health of the inhabitants, the Board shall cause such conditions to be removed, and in case of the appearance or danger of the appearance of any contagious or infectious disease, it shall be the duty of the Boards of Health to meet not less than twice a week, and by means of isolation, quarantine and disinfection applicable to all persons, places and things, and otherwise to take all steps necessary or desirable to prevent the spread of such disease.

9. The Boards of Health may order or cause any building, place, vessel or boat, to be whitewashed, fumigated or otherwise purified, at the expense of the owner or tenant, and may order or cause anything dangerous to the public health to be removed or destroyed.

10. Any Board of Health, or, where none exists, any Justice, may order to be removed from any dwelling house or place, or from any vessel or boat approaching near to or within any place or port, any person sick with any contagious or infectious disease to any hospital, house or place proper for that purpose, it being first certified by a medical practitioner, when available, that such removal is necessary for the public health. And if any person be sick with any infectious or contagious disease in any house or place, and such person cannot, in the opinion of such medical practitioner be removed, then the Board of Health, or Justice, as the case may be, may cause such house or place, or any contiguous house or place, to be vacated by other occupants, suitable provision being made for them by such Board or Justice, for such time as the safety of the inhabitants shall require.

11. Where any person is sick with contagious disease, or is suspected to be so, and no medical practitioner is in attendance on such person, the Board of Health may send a medical practitioner to visit such person. Any person interfering with or preventing the visit of such medical practitioner shall be liable to a penalty not exceeding three months imprisonment. Every medical practitioner shall immediately make a report to the Board of Health of every contagious or infectious disease, so visited by him, under a penalty not exceeding fifty dollars.

12. It shall be the duty of any householder, so soon as he shall become aware that any occupant of his house is suffering from an infectious or contagious disease that may be detrimental to the public health, to give notice of such disease to the chairman of the Board of Health, or a Justice of the Peace, as the case may be, under a penalty not exceeding fifty dollars.

13. Any person suffering from any contagious or infectious disorder who wilfully exposes himself, without proper precaution against spreading the said disorder, in any street, public place, or public conveyance, and any person in charge of one so suffering who so exposes the sufferer, and any owner or driver of a public conveyance who does not immediately provide for the disinfection of his conveyance after it has, with the knowledge of such owner or driver, conveyed any such sufferer, and any person who, without previous disinfection, gives, lends, sells, conveys, transmits, or exposes any bedding, clothing, rags, or other things which have been exposed to infection from such disorders, shall, on conviction before a Justice of the Peace, be fined a sum not exceeding one hundred dollars, or, in default thereof, to imprisonment for a term not exceeding three months: Provided that no proceedings shall be taken against persons

transmitting, with proper precautions, such articles for the purpose of having them disinfected by order of the Board or a medical man.

14. Any Board of Health, or any officer duly authorized by such Board, may open and enter and inspect private places where noxious substances dangerous to the public health may be reasonably suspected to exist, and shall order all nuisance and filth to be removed therefrom or destroyed; and if the same shall not be removed or destroyed within twenty-four hours after such order, the person neglecting or refusing to obey such order shall be liable to a penalty not exceeding twenty dollars; or the Board may, in their discretion, cause the same to be removed or destroyed, and may recover the expenses of so doing in a summary manner in the name of the officer inspecting from the person so offending.

15. The word "nuisance" under this Chapter shall include any premises in such a state as the Board of Health or Justice, as the case may be, may consider injurious to the public health; any pool, ditch or gutter, water-course, privy, urinal, cess-pool, drain or ash-pit, so foul as to be injurious to the public health; any accumulation or deposit which is injurious to the public health.

16. Boards of Health shall have the power to isolate and quarantine any person, house or place or thing, during or in anticipation of an epidemic that they may consider likely to be injurious to the public health. They may cause all nurses, practising as such, to be registered in a register to be kept by the chairman of the Board of Health for that purpose, and make rules for their guidance during the time of epidemic, as provided for under section six of this Chapter, and may take any other measures whatever in their judgment desirable for the more effectual carrying out of the purposes of this Chapter.

17. The St. John's Municipal Council, their superintendents, inspectors, officers and servants, shall have full power and authority to carry into effect all rules, regulations, orders and directions from time to time made by the Board of Health, and considered necessary for the preservation of the public health.

18. Any person without sufficient cause refusing to obey or comply with any order of the Board of Health, shall be liable, for every offence, to a fine of not exceeding fifty dollars, or imprisonment not exceeding one month. And any person unlawfully hindering, obstructing, or assaulting any servant or officer of the Board of Health, or other person acting under their authority, in the performance of his duty, shall be liable to

the same penalties as are provided for hindering, obstructing or assaulting a police constable in the execution of his duty.

19. The servants and officers of the Board of Health and all persons acting under their authority in carrying into effect the provisions of this Chapter, shall have, and be entitled to all the protection, privileges and immunities pertaining to Police Constables and officers in the discharge of their duties.

20. The Governor in Council shall, amongst the general orders to be made under this Chapter, adjudge and affix the imprisonment, penalties and forfeitures that shall attach against any person or vessel, and the estate and effects of any person who shall violate the provisions of this Chapter, or of any general or particular order made thereunder. In cases of violation of this Chapter or of any rules and regulations made thereunder where no particular punishment is otherwise provided by this Chapter, the offender, on conviction, shall be liable to a fine not exceeding one hundred dollars, or in default thereof, to imprisonment for a term not exceeding six months.

21. The Governor in Council may make compensation out of the general revenue of the Colony to any person whose property, goods, or effects may be destroyed or damaged in carrying into effect the provisions of this Chapter; but nothing herein contained shall be construed as conferring any claim or creating any liability on the part of any person whomsoever for any indirect or consequential damage or otherwise by reason of anything lawfully done or caused to be done under the authority of this Chapter.

22. All vessels, and any particular class of vessels, and all vessels in particular, any or either of them, shall, from time to time, at particular times, or at all times when the Governor in Council may deem it expedient, be subject to and chargeable with such fees and dues, either rates on the tonnage or otherwise, as may be directed by any general or particular order, and such fees and dues shall be a lien on the vessel before all other claims, and no vessel shall be entered or cleared outwards at the Custom House if such fees and dues be not duly paid, and the master and owners of any such vessel shall be liable for such fees.

23. If any action shall be commenced against any person for any matter or thing done in pursuance or execution of this Chapter, or of any order made by virtue hereof, the defendant in such action may plead the general issue and give this Chapter and the special matter in evidence at

any trial to be had thereupon, and that the same was done in pursuance and in the execution of this Chapter; and no such action shall be brought against any person, for any matter or thing done in pursuance of this Chapter, but within the space of three months after such matter or thing shall have been done, and without giving the defendant one months' notice in writing. All such actions shall be tried summarily before a Judge of the Supreme Court, and if the question be one of compensation for any loss or damage sustained by any person under the operation of this Chapter, the defendant shall have the right to have such question tried by one arbitrator, and if the parties cannot agree upon one, the said arbitrator shall be appointed by a Judge of the Supreme Court, and his award shall be final and binding upon the parties.

24. Where there shall be no Board of Health, the Governor in Council may, as occasion requires, appoint a Stipendiary Magistrate, a Justice of the Peace, or other person, to be a Public Health Officer in any district to be named and defined in such appointment, who shall exercise all and singular the powers of a Board of Health under this Chapter within the district so named and defined. And in case no Board of Health or Public Health Officer shall have been appointed, a Stipendiary Magistrate or Justice of the Peace may exercise all the said powers of a Board of Health.

25. In all cases of small-pox, diphtheria, scarlet fever, typhus fever typhoid fever, measles, and Asiatic cholera, every medical practitioner who shall attend on such disease shall immediately, or within twelve hours after he has ascertained the fact of such disease, report the same in writing to the Board of Health or the Public Health Officer appointed under the next preceding section of this Chapter, within whose district such disease or diseases may arise or to a Stipendiary Magistrate or Justice of the Peace acting in the absence of a Board of Health or Public Health Officer, under a penalty for each offence of not less than ten nor more than fifty dollars, to be recovered in a summary manner before a Stipendiary Magistrate. For every such report such medical practitioner shall receive a fee of twenty-five cents: provided always, that the Board of Health or Public Health Officer, appointed under the next preceding section of this Chapter, may at any time, by notice in writing to any medical practitioner, require him to report contagious or infectious diseases other than those in this section beforementioned; such notice to the medical practitioner shall always specify the name of the disease to be reported and the period of time for which such reports shall be required.

26. Whenever a Board of Health or the Public Health Officer ap-

pointed under section 24 of this Chapter, or Stipendiary Magistrate or Justice of the Peace acting as such, may deem it necessary to establish quarantine for the purpose of checking or preventing contagious diseases, the persons employed by the said Board of Health or Public Officer, or Stipendiary Magistrate or Justice of the Peace acting as such, to maintain such quarantine, may use all necessary force to prevent any one entering or leaving any dwelling-house, building, place, boat or vessel where such quarantine has been established, except members of the medical or clerical profession, or officials under the direction of the Board of Health or Public Health Officer appointed under this Chapter, or Stipendiary Magistrate or Justice of the Peace acting as such. Any one interfering with, obstructing or disobeying the lawful commands of persons so employed by the Stipendiary Magistrate, Justice of the Peace, Board of Health or Public Health Officer, shall be subject to a fine not exceeding fifty dollars, or in default of payment, imprisonment not exceeding twenty days.

27. The Governor in Council may make rules and regulations for the preservation of the public health and for rendering effectual all measures of precaution against the outbreak or spreading of disease, and may also affix penalties for the breach of said rules and regulations, with a maximum penalty of one hundred dollars fine for breach of any of said rules or regulations, and, in default of payment, imprisonment not exceeding thirty days. Said rules and regulations when published in the *Royal Gazette* to have the force of law as if embodied in this Chapter.

28. All offences against the provisions of this Chapter, or any rule or regulation made thereunder, may be tried summarily before any Stipendiary Magistrate. Any person subject to imprisonment or fine under this Chapter may appeal from the judgment or order of such Magistrate to the Supreme Court on giving sufficient security to prosecute such appeal and to abide by and perform the order or decree of the Court therein; and on the hearing of such appeal such Court may admit other evidence than that adduced before the Magistrate, and may confirm, vary or set aside the judgment of such Magistrate, and make such order as to the execution of any judgment as to such Court may seem meet. The appeal provided by this section may be heard before one Judge sitting as the Supreme Court either in St. Johns or on circuit.

CHAPTER 41.

Of the Newfoundland Medical Board.

SECTION

- 1.—Constitution of Board.
- 2.—Membership.
- 3.—Filling of vacancies.
- 4.—Meeting.
- 5.—Members and quorums.
- 6.—Officers.
- 7.—Making of Rules.
- 8.—Making of Rules.
- 9.—Disposition of moneys.
- 10.—No person to practise medicine, surgery, or midwifery without examination.
- 11.—Register to be kept.
- 12.—Publication of register.
- 13.—Proof of registration.
- 14.—Names of certain persons to be registered without fee.
- 15.—Qualifications for registration.
- 16.—Examinations.
- 17.—Certain persons to be registered without examination.
- 18.—Statements to be attested on oath.
- 19.—Certain documents to be signed by registered practitioners only.
- 20.—Evidence to be given of qualifications.
- 21.—Rectification of entries.
- 22.—Entry of higher degrees when attained.
- 23.—Appeal from decision of Board.
- 24.—Documents to be transmitted to Supreme Court.

SECTION

- 25.—Setting down of appeals for hearing.
- 26.—Powers of Court to make orders.
- 27.—Effect of order.
- 28.—Certificates of practise.
- 29.—Registered practitioners may practise and sue for fees.
- 30.—Effect of omission to take out certificate.
- 31.—Temporary and local licenses.
- 32.—Striking off of practitioners for misconduct; appeals.
- 33.—Penalty on unregistered persons practising.
- 34.—Penalty for assumption of false title or qualification.
- 35.—Penalty for use of misleading title.
- 36.—Fees may be recovered only by persons who have registered and taken out certificate.
- 37.—Onus of proof at trials, &c.
- 38.—Disposition of penalties.
- 39.—Institutions, corporations, &c., not to employ unregistered practitioners.
- 40.—Naval and military physicians and surgeons may register and practise.
- 41.—Private gratuitous aid in cases of emergency not prohibited.
- 42.—Practice of midwifery by females not prohibited.
- 43.—Penalty for offences by registrar.
- 44.—Interpretation of terms.

1. The Newfoundland Medical Board shall continue as at present constituted, subject to the provisions of this Chapter.

2. The members of the said Board shall hold office during good behaviour or until voluntary resignation, subject to removal at any time by the Governor in Council upon the petition of five members of the said Board.

3. Any vacancy in the said Board shall be filled by the registered medical practitioners of Newfoundland, by election in such manner and subject to such rules as may be made by the said Board. All registered medical practitioners shall be entitled to vote at any such election.

4. The Board shall hold an annual meeting at such time and place in Newfoundland as may be determined upon. At this meeting the Board shall appoint examiners and fix the time of examinations for the ensuing year. Such other meetings as may be necessary shall be held in St. John's, and shall be called by the Secretary upon giving a reasonable notice thereof to each member.

5. The Board shall consist of seven members, of whom four shall be medical practitioners resident in St. John's. Four members shall be a quorum for all purposes.

6. The Board shall elect one of their number as President and another as Treasurer, and a third as Secretary and Registrar. The duties of the said officers and the remuneration (if any) to be paid them, shall be determined by the Board.

7. The Board shall have power to make rules, not inconsistent with this Chapter, respecting—

- (1) The holding of meetings, and the place and time of, and the order of business at such meetings;
- (2) The filling of vacancies in the Board by election, and the taking and receiving of votes of registered practitioners by proxy or otherwise at such elections;
- (3) The conduct of examinations and the granting of certificates upon matriculation;
- (4) The registration of members;
- (5) The fees payable for registration, certificates, licenses, and examinations under this Chapter, and fixing the amount of such fees; and
- (6) The inquiry by the Board into complaints against persons charged with an offence under section thirty-two of this Chapter, and the mode of procedure thereon.

8. The Board may make such further rules, subject to approval by the Governor in Council, as they may deem necessary for carrying into effect the purposes of this Chapter.

9. All moneys received by the Board, or any officer thereof, shall be paid over to the treasurer, and shall be applied for the purposes of the Board under this Chapter.

10. No person shall begin or enter upon the study of medicine, surgery or midwifery, in this Colony, unless he shall have obtained from the Newfoundland Medical Board a certificate that he satisfactorily passed a matriculation or preliminary examination on the subjects in Schedule A hereto.

11. The Board shall cause to be kept by the Registrar a book or register, in which shall be entered the name of every person registered according to the provisions of this Chapter, together with his place of residence, and the medical titles, diplomas and qualifications conferred by any college or body, and the dates thereof, and the said register shall be in the form of Schedule B, or as near thereto as may be found convenient. Those persons only whose names are inscribed in the book or register shall be deemed to be qualified to practice medicine, surgery, or midwifery in this Colony.

12. The Registrar shall, on or before the 15th day of January in each year, cause to be printed and published in the *Royal Gazette* a copy of the said register containing the names in alphabetical order according to the surnames of all persons appearing on the register at that date.

13. Such register shall be called "The Newfoundland Medical Register," and a copy of the same for the time being shall be *prima facie* evidence in all Courts and before all Justices of the Peace and others, that the persons therein specified are registered according to the provisions of this Chapter, and the absence of the name of any person from such register shall be *prima facie* evidence that such person is not registered according to the provisions of this Chapter.

14. The Registrar shall retain upon the register the names of all persons registered under the Act 56th Vic., Cap. 12, Sec. 37, without fee.

15. Every person shall be entitled to have his name registered on the Newfoundland Medical Register upon satisfying the Board that he holds a Medical Degree or Diploma from some regular University or School of Medicine (not being an honorary degree), having not less than five years' course of study, and that he has, prior to obtaining such Degree, passed a Preliminary or Matriculation Examination satisfactory to the Board: Provided, however, that every person desirous of being registered under the provisions of this Chapter shall, before being entitled to registration, furnish to the Board satisfactory evidence of identification, and shall pass before the members thereof, or such other examiners as may be appointed by the Board for that purpose, a satisfactory examination touching his fitness and capacity to practice as a Physician and Surgeon.

16. The following provisions shall apply to the examination provided for under the next preceding section:—

(1) Examinations shall be held regularly in St. John's on the second

Tuesday in June in each year: Provided that the said Board may, if the said Board deem it expedient upon a special application in writing by any intending candidate for that purpose, hold a special examination on any other date in any year.

- (2) Any person desirous of presenting himself for examination under this Chapter shall, at least fourteen days before the date of such examination, give to the Registrar of the Board at least fourteen days' notice in writing of his intention to so present himself; and shall with such notice pay to the Registrar for the use of the Board, a fee of twenty-five dollars, and such fee shall include the fee for registration and shall be payable when the applicant is registered without examination as well as when an examination is necessary.
- (3) The said examination shall be conducted orally and in writing, and shall be upon the following subjects, namely:—
 - (a) Medicine, including Pathology and Therapeutics;
 - (b) Surgery, including Pathology and Surgical Anatomy;
 - (c) Midwifery, including diseases of women and children;
- (4) The Board may from time to time make rules and regulations for holding and conducting the said examinations.

17. A person who holds a Medical Degree or Diploma from any of the regular Universities or Colleges in the United Kingdom, Dominion of Canada or the British Colonies, and who has satisfied the conditions mentioned in section 15 of this Chapter as to his qualifications, and who has been duly registered under the laws in force in any of the above places where an equivalent examination to the one herein established is conducted, shall be entitled, without examination, to be registered upon the Newfoundland Medical Register upon paying the prescribed fee and upon producing to the Board a certificate of good standing in the profession from the Registrar or other officer of the Medical Body having jurisdiction in the place at which he is registered, and satisfactory evidence that he has not lost the benefit of his said registration by misconduct or for any other cause whatsoever.

18. The Board may, before accepting an applicant for registration under the next preceding section, require such applicant to attest, upon oath, before a Justice of the Peace or Stipendiary Magistrate, the evidence required by the said section.

19. Whenever by any law now or hereafter existing in this Colony, any certificate or other document shall be required to be given or signed by a Physician, Surgeon or Medical Practitioner, such certificate or other document shall be void, unless the person giving or signing the same shall be a duly registered Practitioner under the provisions of this Chapter.

20. No qualification shall be entered on the register either on the first registration or by way of addition to a registered name, unless the Registrar is satisfied by proper evidence that the person claiming such qualifications is entitled to it. Any appeal from the Registrar shall be decided by the Board.

21. Any entry proved to the satisfaction of the Board to have been fraudulently or incorrectly made may be erased from the register by an order of the Board.

22. Any person registered under this Chapter who may have obtained any higher degree or diploma, other than that already recorded in the register, shall be entitled to have the same inserted in the register in addition to or in substitution for that previously inserted.

23. Any person who may feel aggrieved by any refusal of the Newfoundland Medical Board to enter his name on the Newfoundland Medical Register may, within fourteen days after he has received notice of such refusal, appeal therefrom to the Supreme Court by filing in the office of the Registrar of the said Court a notice of appeal specifying the grounds upon which such appeal is made; and a copy of such notice shall be left with the Registrar of said Board within the time aforesaid.

24. When such notice has been given, the Registrar of the Board shall transmit to the Supreme Court all papers connected with said application and refusal and the proceedings thereon, and a copy of any resolutions of the Board in relation thereto and of any evidence taken or submitted by or to the Board.

25. The applicant or the Board may, on motion, have the appeal set down for hearing.

26. The Supreme Court may confirm or disallow the action of the Board and in the latter case may make an order—

- (1) That the applicant's name be entered on the Register; or
- (2) That the applicant be admitted to examination.

27. Any person who shall have obtained an order of the Supreme Court for the entering of his name on the Register shall be deemed to be a registered medical practitioner under the provisions of this Chapter.

28. Every registered medical practitioner shall annually, before the 10th day of January, take out from the Registrar a certificate to practice, for which he shall pay to the Registrar the fee prescribed by the Board. The said fee shall be deemed to be a debt due by each registered medical practitioner to the Board, and shall be recoverable with costs in an action in the name of the Newfoundland Medical Board before any Stipendiary Magistrate or Justice of the Peace.

29. Every person registered under this Chapter who shall have taken out the certificate, as provided in section 28 shall be entitled to practice medicine, surgery and midwifery in any part of this Colony, and to demand and recover in any Court reasonable charges for professional aid or advice, together with the cost of any medicine or medical or surgical appliance supplied by him.

30. Any person entitled to be registered under this Chapter, who neglects to take out the certificate provided in section 28, shall not be entitled to any of the rights or privileges conferred by registration so long as such neglect or omission continues, and he shall be liable to all the penalties imposed by this Chapter upon unqualified or unregistered practitioners.

31. The Board may, after examination, grant to any person, not otherwise qualified or entitled to registration under this Chapter, a license to practice medicine, surgery or midwifery for a limited period in specified localities. The names of such licensees, together with the period for, and the locality in which they may practice, shall be entered in the register and published as hereinbefore provided in the case of registered medical practitioners. Such licensee shall pay the fee prescribed by the Board, and shall thereupon be entitled to demand and recover in any Court reasonable charges for aid and advice, together with the cost of any medicine or medical or surgical appliances supplied by him during the period and within the limits of his license.

32. Whenever a medical practitioner or licensee registered under this Chapter has been or may hereafter be found by the Medical Board, after due enquiry by a committee of their number or otherwise, guilty of professional misconduct or malpractice, or of conduct unbecoming a prac-

tioner, the said Board may resolve that such medical practitioner, or licensee is unworthy to practice medicine, surgery or midwifery in this Colony and strike his name off the books and the register, either absolutely or for a limited period, and thereupon all the rights and privileges of the said medical practitioner or licensee shall thenceforth cease and determine, either absolutely or for such period. Such medical practitioner or licensee may appeal from such decision to the Supreme Court at its next sitting, upon giving due notice thereof to the said Board (in which notice shall be set forth the grounds of appeal) within fourteen days after the passing of such resolution. When such notice shall have been given the Secretary shall transmit all papers connected with the charge and proceedings thereunder and the evidence taken thereon to the Supreme Court. If no notice be given within the time specified, or in case such appeal be not prosecuted at the next sitting of the Supreme Court, the resolution of the Board shall stand confirmed.

33. It shall not be lawful for any person not registered to practice medicine, surgery or midwifery for hire, gain or hope of reward, and if any person not registered pursuant to this Chapter practices, or professes to practice, medicine, surgery or midwifery, or advertises to give advice, or gives advice in medicine, surgery or midwifery for hire, gain or hope of reward, he shall, upon conviction in a summary manner before a Justice of the Peace, pay a penalty not exceeding fifty dollars, and, in default of payment, be imprisoned for a period not exceeding six months.

34. Any person who wilfully or falsely pretends to be a Physician, Doctor of Medicine, Surgeon or Medical Practitioner, or assumes any title or addition or description on other than he actually possesses or is entitled to shall be liable, upon conviction thereof in a summary manner before a Stipendiary Magistrate or a Justice of the Peace, to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a period not exceeding three months.

35. Any person, not registered pursuant to this Chapter, who takes or uses any name, title, addition or description, implying or calculated to lead people to infer that he is registered under this Chapter or that he is recognized by law as a Physician, Surgeon, Accoucheur, or a Licentiate in medicine, surgery or midwifery, shall be liable, on conviction thereof in a summary manner before a Stipendiary Magistrate or a Justice of the Peace, to a penalty not exceeding fifty dollars, or, in default of payment, to imprisonment for a period not exceeding six months.

36. No person shall be entitled to recover in any Court any charge

for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he may have prescribed and supplied, unless he is registered under this Chapter, and shall have for the current year taken out the certificate provided in section 28 or the license provided in section 31 of this Chapter.

37. In any trial or prosecution under this Chapter the burden of proof shall be upon the person charged.

38. All penalties recovered under this Chapter shall be paid to the Registrar, and shall form part of the funds of the Board. Any person may be prosecutor or complainant under this Chapter, and the Board may allot such portion of the penalties recovered as may be expedient towards the payment of such prosecutor.

39. No person shall be appointed as Medical Officer, Physician or Surgeon in any branch of the public service, or in any hospital or other charitable institution; or shall act within this Colony as Medical Officer, Physician or Surgeon to any company or corporation, unless he is duly registered under this Chapter.

40. Any person, whilst employed in actual service in any naval or military service as physician or surgeon, may practice medicine, surgery or midwifery in Newfoundland after having been registered.

41. Nothing in this Chapter shall prevent private persons from giving necessary medical or surgical aid in times of urgent need, provided that such aid is not given for gain or hire.

42. Nothing in this Chapter shall prevent the practice of midwifery by females.

43. If the Registrar shall wilfully cause any name to be placed on the Register not in accordance with the provisions of this Chapter, he shall forfeit the sum of one hundred dollars, and be removed from his office by the said Board.

44. The words "legally qualified medical practitioner," or "duly qualified medical practitioner," or any other words importing a person recognized by law as a medical practitioner or member of the medical profession, when used in any Act of the Legislature or legal or public document, shall be construed to mean a person registered under this Chapter.

SCHEDULE A.

UNIFORM STANDARD OF MATRICULATION OR PRELIMINARY EXAMINATION
ESTABLISHED UNDER THIS CHAPTER.

Compulsory:—English Grammar, Composition and Literature, Arithmetic, including vulgar and decimal fractions and the extraction of the square root, Algebra to the end of simple equations, Geometry, the first three books of Euclid, with easy questions on the subject matter of the same, Latin, including Grammar, translations from specified authors, and translation of easy passages not taken from such authors, Elementary Mechanics of solids and fluids.

Optional:—(a) History of England or of British America, with questions in modern Geography; (b) French, German or Greek translation, with Grammar; (c) Magnetism and Electricity; (d) Chemistry.

SCHEDULE B.

NAME	RESIDENCE	QUALIFICATION	DATE
A. B.	St. John's	M.D. College of Physicians, New York.	July 12th, 1896
C. D.	Harbor Grace	L.R.C.S., Edinburgh.	March 10th, 1895.

CHAPTER 42.

Of Dentistry and Dental Surgery.

SECTION

- 1.—Constitution of Dental Board.
- 2.—Title of Board.
- 3.—Membership.
- 4.—Officers.
- 5.—Board to make rules.
- 6.—Board to make rules.
- 7.—Registrar.
- 8.—Register to be kept by him.
- 9.—Registration of dentists.
- 10.—Matriculation examination.
- 11.—Examination charges.

SECTION

- 12.—Publication of register.
- 13.—Appeals from decision of Board.
- 14.—Striking of persons off the register.
- 15.—Unregistered persons not to practise.
- 16.—Gratuitous aid in emergencies by unregistered persons not prohibited.
- 17.—Uncertificated persons not to recover fees.
- 18.—Certain dental work permitted to unregistered persons.
- 19.—Paid but unregistered assistants.

1. There shall be a Dental Board consisting of three practising dentists and four medical practitioners or other persons who shall be appointed by the Governor in Council for the purpose of carrying out the provisions of this Chapter, of which Board any four shall constitute a quorum.

2. The Dental Board shall be styled and named "The Dental Board of Newfoundland," hereinafter called "The Board."

3. The members of the Board shall hold office during good behaviour, or until voluntary resignation or removal by the Governor in Council upon the petition of four members of the Board.

4. The Board shall elect one of their members as President, and another as Secretary-Treasurer. The duties of the said officers and the remuneration (if any) to be paid them shall be determined by the Board.

5. The Board shall have power to make rules not inconsistent with this Chapter respecting—

- (1) The holding of meetings, and the place and time of and the order of such meetings;
- (2) The conduct of examinations and the granting of certificates;
- (3) The registration of members;
- (4) The fees payable for registration, certificates, licenses and examinations under this Chapter, and fixing the amount of such fees;

- (5) The inquiry by the Board into complaints against persons charged with an offence under section 14 of this Chapter, and the mode of procedure thereon.
- (6) The regulating and prescribing the nature of the duties and services to be performed or undertaken by paid assistants not registered under this Chapter employed by any registered dentist or dental surgeon in his office.

6. The Board may make such further rules, subject to approval by the Governor in Council, as they may deem necessary for carrying into effect the provisions of this Chapter.

7. The Secretary-Treasurer of the Board shall also be the Registrar, hereinafter called "The Registrar."

8. The Registrar shall make and keep a correct register in the form set forth in schedule "A" to this Chapter. of the names of the persons registered under the provisions of this Chapter with the other particulars required by said schedule, which register shall be called the "Dental Register," herein called the "Register."

9. Every person shall be entitled to have his name entered upon the Register upon passing before the members of the Board or such other examiners as may be appointed by the Board for that purpose, a satisfactory examination touching his fitness and capacity to practice as a dentist or dental surgeon, or,

- (1) Upon satisfying the Board that he was registered under the provisions of "The Dental Act, 1893," and was practising dentistry in the Colony before the 1st day of January, A. D. 1906, and has since that time continued regularly in practice as a Dentist or Dental Surgeon:
- (2) Who (a) can produce a certificate that he has passed the examination of the Dominion Dental Council of Canada; (b) can produce a certificate that he has been admitted to practice by any of the Provincial Boards of Canada; (c) can produce a certificate that he has passed the final examination after graduation recognized by the State Board of any of the United States of America; or (d) possesses a diploma entitling him to registration as a dentist by the General Medical Council of the United Kingdom.

10. No matriculation examination shall be required of any person who is applying for registration, but the Board may establish the standard of a preliminary or matriculation examination to be passed by all persons before entering upon the study of dentistry or dental surgery in this Colony, which shall not apply to any person who has entered upon such study before the establishment of the said examination hereunder.

11. There shall be no charge for examination, beyond the cost of materials, not to exceed fifteen dollars. The fee for registration shall be twenty dollars.

12. The Secretary-Treasurer of the Board shall, before the 31st day of October in every year, cause to be published in the *Royal Gazette* the Dental Register, containing the names, in alphabetical order, with the respective residences, of all persons appearing on the Register, as existing on the Register on the first day of September in such year.

13. If any applicant for registration or any registered dentist is dissatisfied with the decision of the Board he may appeal to the Governor in Council who is hereby empowered to affirm, alter in any way, or reverse the decision of the Board, and the Board shall forthwith give effect to such decision or appeal.

14. Any registered dentist or dental surgeon who shall have been convicted of any felony in a Court of competent jurisdiction, or shall after due enquiry by the Board be adjudged to have been guilty of infamous conduct in any professional respect, shall thereby, subject to an appeal to the Governor in Council, forfeit his right to registration, and by direction of the Board his name shall be erased from the Register.

15. Subject to the exemptions hereinafter named, no person not registered under this Chapter shall practice dentistry or dental surgery in this Colony under a penalty of twenty dollars for each offence.

16. Nothing in this Chapter shall prevent any person from giving necessary aid as a dentist or dental surgeon to any one in urgent need of it, provided that such aid is not given for hire, gain or hope of reward, nor the giving of it made a business or way of gaining a livelihood, either directly or indirectly, by such person.

17. No person, who has not received the certificate required by this Chapter, shall recover in any court of law any fees or money for any

professional services, or operation performed by him, nor for any materials provided by him in the practice of dentistry or dental surgery.

18. This Chapter shall not apply to or be construed to extend to any duly qualified medical practitioner extracting teeth, nor to any *bona fide* resident in any town or settlement where there is no resident medical practitioner, dentist or dental surgeon.

19. Nothing in this Chapter shall be construed to prohibit paid assistants not registered under this Chapter employed by any registered dentist or dental surgeon in his office, from performing or undertaking such duties or services as may be prescribed by the Board under sub-section (6) of section 5.

SCHEDULE A.
THE DENTAL REGISTER OF NEWFOUNDLAND.

NAME	RESIDENCE.	QUALIFICATION.	DATE.
A. D.	St. John's.	D. S. University of Penn.	February 1st, 1906.
C. D.	Harbor Grace.	Practice	March 1st, 1906.

CHAPTER 43.

Of the Pharmaceutical Society and Sale of Drugs.

SECTION

- 1.—Constitution of Pharmacy Board.
- 2.—Membership.
- 3.—Vacancies.
- 4.—Meetings and quorums.
- 5.—Officers.
- 6.—Board to make rules.
- 7.—Examiners.
- 8.—Term of service required from candidates.
- 9.—Register to be kept; publication thereof.
- 10.—Medical practitioners to be registered.
- 11.—Certain persons to be registered without examination.

SECTION

- 12.—Certificates in lieu of examination, &c.
- 13.—Unregistered persons not to practice as druggists, &c.
- 14.—Every drug shop to be under charge of registered druggist.
- 15.—Penalty.
- 16.—Regulations as to sale of poisons.
- 17.—Charges not to be recovered where any irregularity.
- 18.—Board may add to the list of poisons.

1. The Newfoundland Pharmacy Board shall continue as at present constituted, subject to the provisions of this Chapter.

2. The members of the Board shall hold office for three years or until voluntary resignation, subject to removal at any time by the Governor in Council upon petition of seven members of the Board.

3. Vacancies in the Board shall be filled by the Governor in Council.

4. The Board shall in the month of January hold an annual meeting at St. John's. At this meeting they shall appoint examiners and fix times for examinations for the ensuing year. Such other meetings as shall be necessary may also be called. At all meetings and for all purposes five members shall constitute a quorum.

5. The Board shall elect one of their members as President, and another as Secretary-Treasurer, who shall be the Registrar. The duties of the said officers and the remuneration to be paid them (if any) shall be determined by the Board.

6. The Board shall have power to make by-laws and regulations not inconsistent with this Chapter for any of the following purposes:

- (1) The holding and conduct of examinations of candidates for registration.
- (2) The subjects upon which such candidates shall be examined.
- (3) The regulation of its own meetings and proceedings.

7. The number of examiners shall be five, who shall hold office for three years, but may be re-appointed, and shall be paid such fees as the Board shall determine.

8. Every candidate shall satisfy the Board that he has duly served as assistant to a registered druggist for not less than five years and that during two of these years he has been employed in dispensing prescriptions. He shall, before examination, pay to the Registrar a fee of five dollars. Any person failing to pass the examination may at any time after the expiry of six months be re-examined without further fee.

9. The Registrar shall keep a register of all persons who are entitled to registration and shall revise the same annually, and shall publish the list so revised in the month of January in the *Royal Gazette*. He shall receive all fees and give certificates of registration.

10. Every registered medical practitioner in the Colony shall be entitled to be registered by the Board and to receive a certificate upon payment of the prescribed fees.

11. Every druggist at the 22nd day of March, 1910 engaged in the business of dispensing prescriptions and every person who has for a period of five years prior to the 22nd day of March 1910 been an assistant to any such druggist and employed during that time in dispensing prescriptions, shall be entitled to be registered upon payment of the prescribed fee without examination.

12. Every person who shall pass the prescribed examination shall be entitled to be registered upon payment of the said fee. The Board may, in its discretion, accept the certificate or diploma of any other competent examining body as sufficient evidence of qualification in lieu of such examination. The initial registration fee shall be five dollars and shall be paid to the Registrar on registration, and a fee of two dollars shall be paid to the Registrar annually thereafter on or before the 31st day of December for the following years by each registered person.

13. No person shall import into this Colony or sell or attempt to sell or expose for sale or keep open shop for retailing, dispensing or compounding any of the drugs or medicines mentioned in the Schedule A. to this Chapter, or which may hereafter under the provisions of this Chapter be added to the said schedule, or assume or use the title of chemist and druggist, or druggist, or pharmacist, or pharmaceutist, or dispensing chemist or druggist, or apothecary, or shall call his place of business a drug

store, or pharmacy, unless such person is registered under the provisions of this Chapter; provided that this section shall not prevent the sale of any such articles by wholesale in market packages nor of any of the articles known as patent medicines.

14. Every shop for the sale or the compounding of drugs shall be in charge of a person registered under this Chapter.

15. Any person who violates any of the provisions of the next two preceding sections shall be liable to a penalty of not less than twenty-five nor exceeding fifty dollars, to be recovered in a summary manner by complaint before a Stipendiary Magistrate and paid to the Registrar for the use of the Board.

16. It shall be unlawful to sell any poison named in the Schedule A. hereto either by wholesale or retail unless the box, bottle, wrapper or cover in which such poison is contained be distinctly labelled with the name of the article and the word "poison", and with the name and address of the seller of the poison; and it shall be unlawful to sell any poison of those which are in the first part of said schedule or may be hereafter added thereto under the provisions hereof to any person unknown to the seller unless introduced by some person known to the seller; and on every sale of any such article the seller shall, before delivery, make or cause to be made an entry in a book to be kept for that purpose stating the date of the sale, the name and address of the purchaser, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required, to which entry the signature of the purchaser and of the person (if any) who introduces him shall be affixed; but the provisions of this section shall not apply to any article when forming part of the ingredients of any medicine dispensed by a person registered under this Chapter, provided that such medicine be labelled as aforesaid with the name and address of the seller and that the ingredients thereof be entered, with the name of the person to whom it is sold or delivered, in a book to be kept for that purpose; or in lieu of such entry, that the physician's prescription for such medicine be kept on file in the office or premises of the seller of the said medicine. Any person violating the provisions of this section shall be liable to a penalty not exceeding fifty dollars, to be recovered in a summary manner by complaint of any person before a Justice of the Peace.

17. No person selling articles in violation of this Chapter shall recover in any Court of Justice the amount of any charges in respect thereof.

18. The Board may at any time, by resolution, declare that any

poisonous drug or drugs mentioned in such resolution shall be added to Schedule A. Such resolution shall be transmitted to the Governor in Council, and, if approved by him, shall, after being published in the *Royal Gazette* for the period of one month, have the effect of law, and said schedule shall be liable to be amended by the addition thereto of such drug or drugs.

SCHEDULE A.

PART I.

Aconite and its preparations.
Alkaloids—all poisonous vegetable Alkaloids and their salts.
Arsenic and its preparations.
Atropine, preparations of.
Cantharides.
Cocaine and its salts.
Corrosive Sublimate and its preparations.
Cyanides of Potassium and all metallic cyanides and preparations of such articles.
Emetic Tartar.
Ergot of Rye and its preparations.
Picrotoxin.
Prussic Acid and its preparations
Savin and its oil.
Strychnine and its preparations.

PART II.

Almonds, Essential oil of (unless deprived of its Prussic Acid).
Belladonna and its preparations.
Cantharides, tincture and all vesicating liquid preparations of.
Carbolic Acid, liquid preparations of, and its homologues, containing more than three per cent, of those substances, except any preparations prepared for use as sheep-wash, or for any other purpose in connection with agriculture or horticulture, and contained in a closed vessel, distinctly labelled with the word "Poisonous," the name and address of the seller, and a notice of the agricultural or horticultural purpose for which the preparation has been prepared.

Chloroform.
Chloral Hydrate and its preparations.
Cocaine, preparations of.
Corrosive Sublimate, preparations of.
Croton Oil.

Digitalis and its preparations.

Mercuric Iodide. .

Mercuric Sulphocyanide.

Morphine, preparations of.

Nux Vomica and its preparations.

Opium and all preparations of Opium or of Poppies.

Oxalic Acid.

Precipitate, Red (Red Oxide of Mercury.)

Precipitate, White (Ammoniated Mercury.)

Strophanthus and its preparations.

Every compound containing any poison within the meaning of this Chapter when prepared or sold for the destruction of vermin.

CHAPTER 44.

Of the General Hospital.

SECTION

- 1.—Interpretation section.
- 2.—Department of Public Works responsible for maintenance, food, etc.
- 3.—Board of Governors; appointment and terms of office.
- 4.—Duties and powers of Governors.
- 5.—Investigations.
- 6.—Duties and powers of Superintendent.
- 7.—Chief officials.
- 8.—Complaints and communications from officials and subordinates.

SECTION

- 9.—Superintendent to report annually.
- 10.—Superintendent of Nurses—Duties.
- 11.—Nurses—meaning of.
- 12.—X-Ray Operator.
- 13.—Matron, Kitchen Superintendent and Storekeeper.
- 14.—Duties of Nurses.
- 15.—Requisitions for goods or supplies.
- 16.—Governors may fix scale of fees to be paid by patients. Provision when patients are unable to pay.

1. In this Chapter, unless a contrary intention appears in the context, the following words shall have the meaning hereinafter mentioned:—

“Hospital” shall mean the General Hospital at St. John’s.

“Superintendent” shall mean the General Superintendent of the Hospital.

2. The Department of Public Works shall be the executive authority responsible for:—

- (1) The maintenance, repair, alteration, furnishing and heating of all hospital buildings and buildings used in connection therewith, and for the management of the same and of the grounds.
- (2) The supplying of all food, clothing, medicines, and all other things necessary to be provided for the officials, patients, attendants and others.

3. There shall be a Board of Governors (in this Chapter called “The Governors”) which shall consist of six persons who shall be appointed by the Governor in Council. The first Governors appointed shall hold office as follows:—

Two for a period of one year; two for a period of two years; and two for a period of three years; the members retiring in their order shall be eligible for reappointment, and all members appointed to fill the places of the retiring members shall hold office for the full period of three years.

4. (1) The Governors in addition to any duties specially assigned to them by this Chapter shall have the superintendence, management, correction and regulation of all matters in relation to the Hospital and the patients. It shall be their duty from time to time to make such rules and regulations as they deem necessary for the good order and management of the Hospital, and the duties of the Superintendent, officials, nurses, attendants and servants, and for the inspection and visitation of the Hospital by the Governors: Provided that such rules and regulations shall, before being put into execution, be approved by the Governor in Council.
- (2) The Governors shall have the right to appoint, suspend or dismiss the Superintendent, Visiting Medical Practitioners and Surgeons, House Surgeons, X-Ray Operator, Anaesthetist, Dispenser; Superintendent of Nurses, Assistant Superintendent of Nurses; Night Superintendent; Sisters of the Operating-room; Sisters of the Ward; Matron; Kitchen Superintendent; Housekeeper of Nurses' Home; Storekeeper; Engineer, and any other official or servant. They may delegate the appointment of minor officials.

5. It shall be lawful for the Governors to institute, in such manner as they deem fit, any investigation in connection with the management of the Hospital.

6. The duties of the Superintendent shall be the performance and superintendence of all medical and surgical work done in the Hospital. He shall have control over all departments of the Hospital through the departmental heads, who shall be responsible to him for all the work of the departments and all subordinates of the departments. The powers of the Superintendent shall not be held to include the right to interfere directly between any departmental head and the subordinates of that head in matters of administration, but in his capacity of physician and surgeon he may give medical or surgical directions to the Ward Sisters or nurse in charge in relation to the care and treatment of patients. The Superintendent shall perform all such other acts and duties as may be prescribed by the rules and regulations made under the authority of this Chapter by the Governors.

7. The chief officials of the Hospital shall be:—
The Superintendent;
Visiting Medical Practitioners and Surgeons;

First House Surgeon, who shall be a Medical Practitioner;
Second House Surgeon, who shall be a Medical Practitioner;
Superintendent of Nurses;
X-Ray Operator, Anaesthetist and Dispenser;
Matron;
Kitchen Superintendent;
Housekeeper of the Nurses' Home.
Storekeeper;
Engineer.

The said officials shall perform such duties as shall be prescribed by the rules and regulations to be made hereunder by the Governors.

8. It shall be lawful for any of the officials to communicate with the Governors through the Superintendent, and all complaints, communications or reports which it shall be necessary for the officials to make, shall in all cases be made through the Superintendent and not directly to the Governors. All complaints from the subordinates of the officials shall be made through the head of the department with which they are connected, and transmitted by the head of that department to the Governors through the Superintendent, whose duty it shall be to transmit forthwith all complaints to the Governors.

9. The Superintendent shall annually make a report to the Governors as to the work of the Hospital during the year, and shall attend any meetings of the Governors from time to time when he shall be required, and shall give the Governors any information which they may consider necessary. Such report shall be laid before the Legislature at its next session.

10. The Superintendent of Nurses shall be appointed by the Governors. She shall have the management and supervision of all the Nurses in the Hospital, and the Nurses' Home. She shall obey all instructions, in respect of all medical and surgical work, given by the Superintendent, the visiting Medical Practitioners and Surgeons, and the House Surgeons. She shall perform such other duties as may be prescribed by the rules and regulations made by the Governors hereunder, and shall be responsible directly to the Superintendent.

11. Nurses in this Chapter shall include Assistant Superintendent of Nurses, Night Superintendent of Nurses, Sisters, Graduate Nurses and Probationers.

12. The X-Ray Operator shall have control of the X-Ray room, and shall be responsible directly to the Superintendent.

13. The Matron, Kitchen Superintendent and Storekeeper shall perform such duties as may be prescribed by the rules and regulations made by the Governors hereunder, and such other duties as may be required by the Superintendent and approved of by the Governors. They shall be responsible directly to the Superintendent.

14. The Nurses shall perform such duties as they may be required to perform by the Superintendent of Nurses, and shall be responsible directly to the Superintendent of Nurses; but Nurses working in the Operating room shall, while so working, be responsible and subject to the surgeon in charge of the operation.

15. All requisitions for any goods or supplies required for the use of the Hospital shall be made to the Department of Public Works and signed in all cases by the Storekeeper, whose duty among other things shall be to keep an account of all stores received and delivered by him.

16. It shall be lawful for the Governors to fix and prescribe a scale of fees to be paid by all persons who occupy beds or undergo treatment at the Hospital: Provided that the whole or any portion of the fees payable by such persons as are unable to pay same shall be payable out of Public Charities Funds under the control of the Commissioner of Public Charities, upon the certificate of the Commissioner of Public Charities. Such certificate shall be granted by the Commissioner of Public Charities upon the production to him of a certificate from the resident Relieving Officer, or where there is no such officer, from a Justice of the Peace, a Clergyman or other responsible person, of the patient's inability to pay. All such payments shall be made to the Superintendent who shall hand the same to the Minister of Finance for the use of the Colony: Provided that such scale of fees shall, before being put into execution, be approved by the Governor in Council.

CHAPTER 45.

Of the Treatment and Prevention of Tuberculosis.

SECTION

- 1.—Respecting the creation or acquisition of establishments for the treatment of tuberculosis.
- 2.—Duty of medical practitioners as to notifying Medical Health Officer of tuberculous cases.
- 3.—Provision for disinfection of clothing, etc.
- 4.—Committee of supervision over sanatoria, etc., how constituted and appointed.

SECTION

- 5.—Admission to sanatorium not to affect franchise, etc.
- 6.—Appointment of medical superintendents.
- 7.—Governor in Council may make rules.
- 8.—Medical Health Officer to be notified when premises vacated by tuberculosis patient.
- 9.—Duty of Medical Health Officer to fumigate premises when so vacated.
- 10.—Penalty.

1. It shall be lawful for the Governor in Council out of any moneys which may be appropriated by the Legislature for such purposes, to construct, equip, manage and operate hospitals, sanatoria or dispensaries for the treatment of inhabitants of this Colony suffering from tuberculosis, and to accept, take over, manage, operate and control any hospitals, sanatoria or dispensaries which may be erected by any person or corporation in this Colony.

2. (1) If any medical practitioner attending on any person within this Colony becomes aware that the person is suffering in any prescribed circumstances from tuberculosis in any prescribed form or at any prescribed stage, the medical practitioner shall, within seven days after he becomes aware of the fact, send to the Medical Health Officer a certificate in the prescribed form and containing the prescribed particulars;

(2) The Governor in Council, after consulting with the Medical Health Officer, shall from time to time prescribe the forms and stages of tuberculosis to which and the circumstances in which this section shall apply; but no forms of tuberculosis shall be so prescribed save such as by reason of infective discharges are liable to communicate the disease to other persons;

(3) Any certificate required to be sent to the Medical Health Officer under this section may be sent either by delivering it at his

office or residence, or by sending it by post addressed to him at his office or at his residence;

- (4) If any medical practitioner required by this section to send a certificate fails to send a certificate within the period specified herein, he shall be liable on summary conviction to a penalty not exceeding ten dollars;
- (5) The Governor in Council shall cause to be paid to every medical practitioner for the certificate duly sent by him in relation to a patient, a fee of twenty-five cents, but only one certificate shall be paid for in respect of the same patient;
- (6) The Governor in Council shall make regulations for carrying into effect the provisions of this section, which regulations shall, amongst other matters, prescribe the form of the certificate to be sent hereunder and the particulars to be inserted therein; and shall provide for the proper custody of all certificates, and for securing, in so far as is in the opinion of the Governor in Council consistent with public advantage, that no publicity shall be given to any of the particulars contained in any such certificate, and that the said certificate shall be cancelled if and when it appears to the Medical Health Officer that the person to whom it relates has been cured of the disease.

3. The Governor in Council may provide a proper place, with all necessary apparatus and attendance for the disinfection of bedding, clothing and other articles which have become infected, and shall cause any articles brought for disinfection to be disinfected free of charge, and may provide for the conveyance of the articles to such place.

- 4.** (1) The management of every hospital, sanatorium, or dispensary, erected by the Governor in Council under this Chapter or accepted and taken over, may be supervised by a Committee to be appointed by the Governor in Council, consisting of Magistrates, Justices of the Peace, medical practitioners, clergymen or other persons resident in the electoral district in which such hospital, sanatorium or dispensary is situated;
- (2) The Committee shall be appointed triennially, provided that in the case of the first appointment the members of the Committee so appointed shall hold office until a new Committee shall be appointed;

- (3) The Committee of management may, from time to time, make all necessary rules for the conduct and management of the hospital, sanatorium and dispensary and the patients therein, and for the admission of patients. A rule made under this sub-section shall not come into effect unless and until it is approved by the Governor in Council.

5. No person shall suffer any disqualification or any loss of franchise or other right or privilege by reason of his or any member of his family being admitted into and remaining in any hospital or sanatorium, provided or taken over, or being treated in any dispensary so provided.

6. It shall be lawful for the Governor in Council to appoint for any hospital or sanatorium or dispensary established or accepted and taken over under this Chapter a Medical Superintendent, at such salary as may be considered reasonable, and such nurses and other officers and attendants as are necessary for the requirements of the hospital, sanatorium or dispensary, and the Governor in Council may dismiss any such person so appointed.

7. It shall be lawful for the Governor in Council to make all such rules or regulations as he may consider necessary for rendering any of the provisions of this Chapter effectual, or as in his opinion may be necessary for the purpose of preventing the spread of tuberculosis in any form, and he may affix penalties for the breach of the said rules or regulations. All such rules and regulations, when published in the *Royal Gazette*, shall have the force and effect of law.

8. In case of vacation of any apartment or premises by the death or removal therefrom of a person having tuberculosis, it shall be the duty of the attendant physician or if there be no such physician or if such physician, be absent, of the owner, lessee, occupier or other person in charge of the said apartment to notify the Medical Health Officer of such death or removal within twenty-four hours thereafter, and such apartment or premises so vacated shall not again be occupied until duly disinfected, cleansed or renovated.

9. When notified of the vacation of any apartment or premises, as hereinbefore provided, the Medical Health Officer or one of his assistants shall, within twenty-four hours thereafter, visit said apartment or premises, and shall order and direct that, except for the purpose of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed and disinfected, and the said Medical Health

Officer shall determine the manner in which the said apartment or premises shall be disinfected, cleansed or renovated in order that they may be rendered safe and suitable for occupation. If the Medical Health Officer determines that disinfection is sufficient to render them safe and suitable for occupancy, such apartment or premises, together with all infected articles therein, shall immediately be disinfected by the Medical Health Officer. Should the Medical Health Officer determine that such apartment or premises are in need of cleansing and renovation, a notice in writing to this effect shall be served upon the owner or lessee of said apartment or premises, and the said owner, lessee or occupier shall thereupon proceed to the cleansing or renovation of such apartment or premises in accordance with the instructions of the Medical Health Officer, and such renovation and cleansing shall be done at the expense of the said owner or occupier, unless in the opinion of the Medical Health Officer the party is unable to pay the said expenses.

10. Any person violating any of the provisions herein contained shall be liable to a penalty not exceeding twenty dollars, to be recovered in a summary manner upon complaint before a Stipendiary Magistrate.

CHAPTER 46.

Of Vaccination.

SECTION

- 1.—Governor in Council may put in force provisions of this chapter.
- 2.—Duty of Vaccinators.
- 3.—Penalty for contravention of chapter. Refusal to pay vaccination fee; penalty; proviso.
- 4.—Power of Justice; every subsequent refusal to constitute a new offence.

SECTION

- 5.—Compensation for vaccinating paupers.
- 6.—Governor in Council to appoint vaccinators.
- 7.—And to make regulations.
- 8.—Meaning of term "children."
- 9.—Provision for persons not paupers

1. The Governor in Council may, by proclamation, put in force the provisions of this Chapter in this Colony and its Dependencies, or in any district or part thereof.

2. When this Chapter shall have been put into operation in any district or place, the vaccinators shall carry out the provisions of this Chapter by making enquiries as to such persons as have not been effectively vaccinated, or who have not already had smallpox, and shall require them to be vaccinated; or, in the case of children, shall require their parents or guardians to submit such children for vaccination.

3. Any parent or guardian of any child so required to be vaccinated, or any other person acting in contravention of, or failing to comply with the provisions of this Chapter, or any person wilfully obstructing a vaccinator in carrying out the provisions of this Chapter, or any person vaccinated under this Chapter not coming within the provisions of section five of this Chapter, who, upon the performance of such vaccination, shall refuse or neglect to pay the vaccinator the fee herein prescribed, shall incur a penalty not exceeding two dollars for every offence, and in default of payment thereof, shall be liable to be imprisoned for a period not exceeding one week: Provided that any person refusing to be vaccinated, or any parent or guardian refusing to submit a child for vaccination, shall not be liable to any penalty if it shall be made to appear that there is a satisfactory reason as regards health for such person or child not being vaccinated; but the burthen of shewing such cause shall rest with the party charged.

4. In any proceeding under this Chapter, the Justice may, with or

without inflicting a penalty, make an order that vaccination shall take place; and every subsequent refusal or neglect to obey such order shall be deemed to be a new offence.

5. Upon the production of a detailed statement, giving the name of each person vaccinated by him, sworn to by the vaccinator before and certified by a Magistrate, and upon the production of a certificate by a Poor Commissioner that such person is a pauper or on the pauper list, or a certificate by a Magistrate, Justice, Clergyman, or Poor Commissioner, that such person is unable to pay the prescribed fee, the vaccinator shall be entitled to receive remuneration from the Colony at the rate of twenty-five cents for every such person upon whom the operation of vaccination has been successfully performed.

6. The Governor in Council shall appoint vaccinators for the purposes of this Chapter.

7. The Governor in Council may make regulations for the more effectual execution of this Chapter, and such regulations shall have the same force as if embodied in this Chapter.

8. Children in this Chapter shall mean persons under the age of eighteen years.

9. In cases other than those provided for in section five of this Chapter, the fee payable to vaccinators for each vaccination performed shall be twenty-five cents.

CHAPTER 47.

Of the Inspection of Foods.

SECTION

- 1.—Power of officials to inspect foods, etc. Onus of proof. Power to seize unwholesome foods. Penalties.
- 2.—Penalty for obstructing inspector.
- 3.—Duty to answer enquiries of inspector and permit him access to foods, etc.
- 4.—Prohibition of sale of unsound foods.
- 5.—Foods offered for sale in open air to be covered.
- 6.—Food in transit through streets to be covered. Vehicles to be clean.
- 7.—Places where food is manufactured or kept for sale, etc., and machinery, etc., to be

SECTION

- kept clean. Inspection. Employees. Sale from carts, etc.
- 8.—Factories, etc., to be subject to inspection. Regulations for factories, etc.
- 9.—Governor in Council may make rules.
- 10.—Penalty for violating provisions of this Chapter.
- 11.—Inspectors to hold certificate
- 12.—Power of Constable to take samples.
- 13.—Penalty for refusal to sell for analysis.
- 14.—Governor in Council may lay down standards for foods.
- 15.—Appeal.

1. The Medical Health Officer, Health Inspector or any officer appointed by the Governor in Council for the purposes of this Chapter, may at any reasonable hour enter any premises and inspect and examine any animal, carcase, meat, pork and beef, tinned meats and all other tinned foods, sugar, jam, poultry, game, flesh, fish, fruit, vegetables, meal, flour, bread, butter, oleo, milk, confectionery, condiments, pepper, mustard or any other article, whether solid or liquid, offered or exposed for sale, or deposited in any place for the purpose of sale, or for preparation for sale, and intended for the food of man.

(1) The proof that the same was not sold, offered, exposed or deposited for any such purpose or was not intended for the food of man, shall rest with the party charged; and, if any such animal or article appears to such Officer or Inspector to be diseased, unsound, unwholesome, or in any way unfit for the food of man, he may seize and carry away the same or cause it to be seized and carried away in order that he may cause it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man.

(2) The person to whom any such animal or article, which has been seized or is liable to be seized under this section, belongs or did belong at the time of sale or exposure for sale or deposit for the purpose of sale or of preparation for sale, and the person in whose possession or on whose premises the same was found, shall be liable to a penalty not exceeding

for the first offence, twenty-five dollars for every animal, or carcase, or fish, or piece of meat, pork and beef, tinned meats and any other tinned foods, sugar, jam, confectionery, condiments pepper, mustard, or other article, or head of poultry or game, or for every parcel or package of fruit, vegetables, flour, bread, butter, oleo, or milk, so seized, or, in default of payment to imprisonment for a term not exceeding one month, and for a second offence a penalty not exceeding one hundred dollars for every animal, carcase, article or parcel as aforesaid, or, in default of payment, to imprisonment for a term not exceeding three months.

- (3) When it is shown that any article liable to be seized under this section, and found in the possession of any person, was purchased by him from another person for the food of man, and when so purchased was in such condition as to be liable to be seized and condemned under this section, the person who sold the same shall be liable to the penalties above mentioned, unless he proves that at the time he sold the said animal or article he did not know, and had no reason to believe, that it was in such condition.

2. Any person who in any manner prevents the Health Officer, Inspector, or other person appointed for the purposes of this Chapter from entering any premises and inspecting any animal, carcase, meat, pork, beef, tinned meats, and any other tinned foods, poultry, game, flesh, fish, fruit, vegetables, meal, flour, bread, butter, oleo, milk, sugar, jam, confectionery, condiments, pepper, mustard, or other article exposed or deposited for the purpose of sale, or for preparation for sale, and intended for the food of man, or who obstructs or impedes any such Officer or Inspector when carrying into execution the purposes of this Chapter, shall be liable to a penalty not exceeding fifty dollars, or in default of payment, to imprisonment for a term not exceeding one month.

3. Every butcher, grocer, and other dealer and their agents shall allow the Health Officer, Health Inspector or other person appointed for the purpose to fully and freely inspect their cattle, meats, fish, vegetables, and other articles intended for the food of man, or offered or exposed for sale, and shall answer all reasonable and proper questions asked by such offender relative to the condition thereof, and of the places where such articles may be, and shall open, or cause to be opened, all receptacles or apartments, so as to give every facility for inspecting and examining the contents of same.

4. No person shall sell, offer, or expose for sale any meat, fish, poultry, bread, milk, or any other article of food which is diseased, unsound, unwholesome, or unfit for the food of man; or the flesh of any animal which has died otherwise than by slaughter, or has been killed while in ill-health.

5. No meat, breadstuffs, cake, pastry, fruits, or confectionery shall be kept, exposed, or offered for sale outside of any store, shop, or other building, or in any open doorways thereof, or in any street or public place, unless such articles of food are kept properly covered, so that they are protected from dust, dirt and flies.

6. All meat, bread, milk and other articles of food shall, in course of being transported through the streets, be protected by such covering as shall prevent contamination by dust, dirt and flies. All vehicles used for the conveyance of food shall be kept in a clean and sanitary condition.

7. The owner or occupier, or person in charge of any meat-shop, grocery, confectionery, bakery, or other shop or place where any article of any nature or kind whatsoever, whether solid or liquid, intended for food, is manufactured or made, stored, kept or prepared for sale, offered for sale or sold, shall keep such premises and all parts thereof, and all machinery, tools and appliances, receptacles, shelves, and all the contents of such premises in all particulars, in a clean, sanitary and proper condition.

(1) The condition of all such premises and all the machinery, tools and appliances, receptacles, shelves, and all the contents of such premises, shall be subject, at all reasonable times, to inspection by the Health Officer or Inspector.

(2) All employees or other persons engaged or working in or about the said premises in the manufacturing, preparing, handling, or sale of all such foods, shall be at all times cleanly in their persons, and in their habits and modes of working, and shall be attired in clean garments. All butchers or persons engaged in the handling or sale of meat shall wear clean aprons or overalls. Spitting about such premises is strictly prohibited, except into a suitable receptacle provided for that purpose.

(3) The provisions of this section shall apply to the sale of any kind of food from vendors' waggons or other vehicles.

8. Every factory, workshop, bakery or premises where any article of

food or confectionery is manufactured, produced, or prepared for sale, and all the plant, machinery, tools and appliances, and all receptacles, and shelves, and all the contents of such premises, shall be subject at all times to inspection by the Medical Health Officer, Health Inspector, or other person appointed for the purpose. Every such factory, workshop, bakery, or other premises shall conform to the following requirements:

- (1) There shall be provided adequate light and ventilation. At least three hundred cubic feet of air space shall be provided for each employee.
- (2) No workroom of any such premises shall be used for a living, washing, or sleeping room, nor shall any bedroom or water-closet apartment open directly into the same.
- (3) All walls and ceilings shall be of smooth material so as to be easily cleaned, and if of wood or plaster shall be painted or limewashed. All limewashing shall be renewed at least twice a year.
- (4) There shall be provided for the use of the employees sufficient water-closets or other satisfactory sanitary conveniences, and wash-basins. If both male and female employees are employed, separate sanitary conveniences shall be provided for each sex. All water-closet apartments shall be well ventilated and shall be kept in a perfectly clean and sanitary condition at all times. If adjoining any workroom or room where food is stored, such apartments shall not open directly into such room, but must be separated therefrom by an intervening room, space, or passage ventilated into the outside air.
- (5) All employees or other persons engaged and working in or about any such premises in the manufacturing, preparing, handling, care and sale of any food shall be at all times cleanly in their habits and mode of working, and in their persons, and shall wear clean aprons or overalls.
- (6) No person shall smoke in any workroom or room in which food is stored, nor shall any person spit about the premises, except into a suitable receptacle provided for the purpose.
- (7) Such premises and all parts thereof, and all machinery, tools and appliances, receptacles, shelves, and all the contents of such premises shall be at all times and in all particulars kept in a clean, satisfactory and proper condition. The provisions of

this section shall apply to any factory, workshop, bakery, or premises where any article of food or any confectionery is manufactured, produced, or prepared for sale in the city of St. John's, although such factory, workshop, bakery or premises may be situated outside the municipal boundaries of the said city.

9. The Governor in Council may make rules and regulations respecting the manufacture, production, handling, or sale of any particular food or class of food-stuffs, and may affix penalties for the violation of said rules and regulations. Such rules and regulations when published in the *Royal Gazette* shall have the force of law as if embodied in this Chapter. A copy of all such rules and regulations shall be laid before the Legislature during the first week of the session thereof next ensuing.

10. Any person who shall violate any of the provisions of this Chapter shall be liable, in any case in which no special penalty is provided, to a penalty not exceeding one hundred dollars, or, in default of payment, to imprisonment for a period not exceeding thirty days. All offences against the provisions of this Chapter, or any rules or regulations made thereunder, may be tried summarily before any Stipendiary Magistrate.

11. No person shall be appointed as Health Inspector or Officer for the purposes of this Chapter unless he holds a certificate from the Medical Health Officer certifying that he is competent to perform the work for which he is to be appointed.

12. (1) It shall be lawful for any constable, when authorized in writing by a Stipendiary Magistrate, or Medical Health Officer, or any Inspector to enter any store or other place where any of the articles referred to in this Chapter are kept or exposed for sale, and to take any reasonable sample of any such article for testing or analysis. Provided however that it shall be lawful only to take such sample of the following of the articles herein referred to, namely:-- Vegetables, flour, milk, bread, butter, confectionery, molasses, oleo, sugar, jam, salted pork and beef and such other articles as may from time to time be named by the Governor in Council.

(2) Any person obstructing such constable or officer shall be liable to a penalty not exceeding one hundred dollars or in default

of payment to imprisonment for a period not exceeding thirty days.

- (3) The person taking or purchasing any article with the intention of submitting it to analysis shall, after the purchase shall have been completed, forthwith notify to the seller or to his agent selling the article his intention to have the same analysed, and shall offer to divide the article into three parts to be there and then divided, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall, if required to do so, proceed accordingly, and shall deliver one of the parts to the seller or his agent. He shall afterwards retain one of the said parts for future comparison, and submit the third part, if he deems right, to an analyst to have it analysed.

13. If any officer shall apply to purchase any article of food exposed for sale or on sale on any premises or in any shop or store, and shall tender the price for the quantity which he shall require for the purpose of analysis, not being more than shall be reasonably requisite, and the person exposing the same for sale shall refuse to sell the same to such officer, such person shall be liable to a penalty not exceeding twenty-five dollars, or in default of payment to imprisonment for a term not exceeding one month.

14. The Governor in Council on the recommendation of the Medical Health Officer may, for the purpose of analysis, lay down standards in relation to all articles of food under this Chapter: such standards shall on publication in the *Royal Gazette* as a regulation under this Chapter have the force of law as if embodied in this Chapter.

15. Any party feeling aggrieved by any conviction under this Chapter may appeal to the Supreme Court, subject to the following condition, that the appellant shall give to the Magistrate within seven days notice of his intention so to appeal, and shall enter into recognizance with two sufficient sureties before the said Magistrate conditioned to appear at the first ensuing session of the Supreme Court, and to prosecute such appeal with effect, and to abide by the judgment of the said Court thereupon, and to pay such penalty and costs and perform such other act or comply with such conditions as may be then ordered or imposed.

CHAPTER 48.

Of Poisons.

SECTION

1.—Poisons defined.

SECTION

2.—Laying poison on land; penalty.
3.—Rat-poison, etc., excepted.

1. The several articles named or described in the schedule to this Chapter shall be deemed to be poisons within the meaning of this Chapter.

2. Every person who shall knowingly and wilfully set, lay, put or place, or cause to be set, laid, put or placed, in or upon any land, any flesh, meat, fish, fowl, or other substance which has been mixed with, or steeped in, or has imposed upon it, or is impregnated with, any poison or any poisonous ingredients, so as to render such flesh, meat, fish, fowl or other substance poisonous and calculated to destroy life, shall, upon a summary conviction thereof, be liable to a penalty of not less than fifty dollars for a first offence, and for each additional offence to a penalty of not less than one hundred dollars and three months' imprisonment. But nothing in this Chapter contained shall prevent any person from being liable to any other penalty, damages, or punishment to which he would have been subject if this Chapter had not been passed.

3. Nothing in this Chapter shall make it unlawful for the occupier of any dwelling house, or other building or the owner of any rick or stack of any cultivated vegetable produce to put or place, or cause to be put or placed, in any such dwelling house or other building, or in any enclosed garden attached to such dwelling house, or in the drains connected with any such dwelling house, or within such rick or stack, any poison or poisonous ingredient or preparation for the destruction of rats, mice, or other small vermin.

SCHEDULE.

Arsenic and its preparations.

Prussic acid.

All metallic cyanides.

All poisonous vegetable alkaloids as strychnine.

All atropine, &c., and their salts.

Aconite, and its preparations.

Tartar emetic.

Corrosive sublimate.

Cantharides, and its preparations.

Savin, and its oil.

Ergot of rye, and its preparations.

Essential oil of almonds, unless deprived of its prussic acid.

Opium and its alkaloids, and their salts.

Hydrate of chloral, and its preparations.

Chloroform.

Belladonna, and its preparations.

Phosphorus. ,

CHAPTER 49.

Of the Sale of Tobacco to Juveniles.

SECTION

- 1.—Penalty for sale of tobacco to person under fifteen years.
- 2.—Penalty for procuring tobacco for person under fifteen years.

SECTION

- 3.—Penalty for person under fifteen years having possession of tobacco and refusing to account for it.
- 4.—Burden of proof.
- 5.—Power of Justice to dismiss charge.

1. Any person who either directly or indirectly sells or gives or furnishes any cigars, cigarettes, smoking or chewing tobacco, or any other form or preparation of tobacco or opium for smoking, to any person apparently under fifteen years of age shall, on summary conviction thereof before a Justice of the Peace or Stipendiary Magistrate, be subject to a penalty of not less than ten dollars nor more than fifty dollars, with or without costs of prosecution, or to imprisonment for any term not exceeding thirty days or to both fine, with or without costs, to the said amount and imprisonment for the said term, in the discretion of the convicting Magistrate or Justice.

2. Any person who shall act as the agent of any person under fifteen years of age in procuring for such person any cigars, cigarettes, smoking or chewing tobacco, or any form or preparation of tobacco or opium for smoking, or shall supply to any person under fifteen years of age any such cigars, cigarettes, or other form or preparation of tobacco or opium for smoking or chewing shall, on summary conviction thereof before a Stipendiary Magistrate or a Justice of the Peace, be liable to a fine of not more than ten dollars, with or without costs of prosecution, or to imprisonment for any term not exceeding thirty days, or to both fine, with or without costs, to the said amount and imprisonment for the said term, in the discretion of the convicting Magistrate or Justice.

3. Any person under fifteen years of age who has in his possession cigarettes, cigars, or tobacco in any form, and upon request of any police officer, constable, or Justice of the Peace, refuses to inform such police officer, constable, or Justice, from whom he obtained the same shall, upon summary conviction thereof before a Stipendiary Magistrate or Justice of the Peace, be subject to a penalty not exceeding ten dollars, with or without costs of prosecution.

4. For the purposes of this Chapter the burden of proving the age of any person, in respect of whom an offence is charged, shall be upon the person charged with the offence.

5. If the Justice before whom a charge under this Chapter against a person under fifteen is made, is satisfied that such person was *bona fide* acting for or at the request of his parent or guardian, he may dismiss the charge.

[Vor.]

TITLE IX.

OF MUNICIPAL AND LOCAL AFFAIRS.

CHAPTER 50.

Of the Administration of Local Affairs in Outport Districts.

SECTION

- 1.—Control of certain local affairs vested in elective boards.
- 2.—Existing areas.
- 3.—New areas, how defined.
- 4.—Proclamation.
- 5.—Membership of Board.
- 6.—Election.
- 7.—Public meeting, how convened.
- 8.—Date of holding election.
- 9.—Rules and regulations as to elections.
- 10.—Cost of elections.
- 11.—First elections.
- 12.—Qualification of candidates.
- 13.—Vacancies, how filled.
- 14.—Certain persons ineligible.
- 15.—Their election void; Penalty for sitting or voting.
- 16.—Assumption of office by Board.
- 17.—Tenure of office.
- 18.—Election of successors.
- 19.—Outgoing Board to hand over property to incoming Board.
- 20.—Qualification of electors.
- 21.—List of electors.
- 22.—Provisions of Election Act, 1913, to apply to Elections under this Act.
- 23.—Chairman and Deputy-Chairman.
- 24.—Duties of Deputy-Chairman.
- 25.—Annual meeting.
- 26.—Accounts. Publication.

SECTION

- 27.—Penalty for failure to publish accounts.
- 28.—Duties of Chairman.
- 29.—Contracts by outgoing Boards.
- 30.—Payments.
- 31.—Authority vested in Boards.
- 32.—Relief of poor may be committed to Boards.
- 33.—Rules as to keeping of dogs.
- 34.—Jurisdiction of officers of Board.
- 35.—Contracts in name of chairman.
- 36.—Actions by or against Board. Notice.
- 37.—Bye-laws.
- 38.—Compensation to Chairman.
- 39.—Annual returns.
- 40.—Annual report.
- 41.—Limitation of expenditure, etc.
- 42.—Power to enter for surveys, etc.
- 43.—Power to enter for carrying out works.
- 44.—Power to enter for right of way, &c.
- 45.—Power to deal with water-courses, excavate on lands, etc.
- 46.—Claims for damage; arbitration.
- 47.—Arbitrators—appointment of. Powers of. Fees of.
- 48.—Boards may make rules and regulations.
- 49.—Publication in *Royal Gazette*.
- 50.—Votes and grants to be paid over to Boards.
- 51.—Application of same—to what purposes.
- 52.—In what proportions.
- 53.—Labor and poor relief to be paid in cash.
- 54.—Exemption of St. John's.

1. The control and management of the local affairs in this Chapter specified, within the limits of the areas of this Colony defined in the manner hereinafter described, shall be vested in elective boards called "The Road Board," and hereinafter referred to as "the Board."

2. (a) An area within the limits of which any Road Board existing at the fifth day of June, A.D. 1915 then exercised and performed its powers, duties and functions, shall be an area for the purposes of this Chapter, and the Board elected hereunder in any such area shall, within the same area, exercise and perform the powers, duties and functions by this Chapter conferred and imposed upon Boards.

- (b) Any such area may hereafter be sub-divided or amalgamated with others, or have its boundaries or limits altered or rearranged, as hereinafter provided.
 - (c) This Chapter shall not apply to the Councils at the said fifth day of June A.D. 1915 existing in the District of Burin until such time as the voters under the jurisdiction of such Councils shall have proceeded as provided in section three of this Chapter.
3. (a) A majority of the qualified electors residing within the limits of any area in this Colony within which not less than eighty qualified electors reside, and desiring to have such area defined as an area for the purposes of this Chapter may, whether such limits do or do not include the whole or any part of an area already so defined, prefer a petition to the Governor in Council praying that the area within the said limits, which limits shall be specified in such petition, may be so defined.
- (b) Such petition shall be sent to the nearest Supendary Magistrate or Justice of the Peace; and if, upon due scrutiny thereof, he shall be satisfied that not less than eighty qualified electors reside within the limits specified in such petition as aforesaid, and that such petition contains the *bona fide* signatures of a majority of the said electors, he shall forthwith make a certificate to that effect, endorsed on or attached to such petition, and forward the same to the Colonial Secretary; and such certificate shall be conclusive proof that the persons signing are qualified electors, and that the number of such persons signing constitutes a majority of electors as aforesaid; provided that such Magistrate or Justice may, before granting such certificate, require proof to be made before him of the *bona fide* signature of any of the names subscribed to such petition upon the oath of either the party whose name purports to be signed or of a witness to such signature.
- (c) If the area, the definition of which is sought by such petition, includes a part only of an area already defined, electors residing in the remaining part of such last-mentioned area may, if qualified in number and otherwise to prefer a petition under sub-section (a) of this section, prefer a counter

petition to the Governor in Council, opposing the prayer of the said petition; provided such counter petition shall be verified in the manner, prescribed in sub-section (b) of this section and lodged with the Colonial Secretary within thirty days after the receipt by him of the original petition.

4. The Governor in Council shall within one month from the date of the receipt of the said petition, provided no such counter-petition shall be received, issue a proclamation, to be published in the *Royal Gazette*, describing the limits set forth in the said petition, and the alterations, if any, to be made in any existing area, and declaring the area described in the said petition to be an area under this Chapter, and that the boundaries of any existing area are altered in the manner described in the said petition, and thereupon said area or areas shall be such area or altered area accordingly.

5. The Board shall be constituted of not less than three members who shall be elected in the manner hereinafter provided.

6. The members of the Board shall be elected as hereinafter provided at a public meeting of the qualified electors resident within the limits of the area over which the Board has jurisdiction.

7. The said public meeting shall be convened as follows:

- (1) If a Stipendiary Magistrate resides within the area, by such Stipendiary Magistrate.
- (2) Where there is no Stipendiary Magistrate so resident, by a Justice of the Peace, if one resides within the area.
- (3) Where neither a Stipendiary Magistrate or Justice of the Peace so resides, by the chairman or such other person as the existing Board may appoint for that purpose.
- (4) At least two weeks' notice, signed by the person convening the same, stating the time, place and purpose of such public meeting, shall be posted conspicuously in such public places within the said area as shall be reasonably sufficient to inform the electors thereof.
- (5) The person convening the said meeting, or in his absence such other person as may be elected by the meeting, shall preside thereat and conduct the business thereof.

8. The election of members of all Boards in each electoral district of this Colony shall be held on a day to be fixed for that district by the Governor in Council and published in the *Royal Gazette* at least two months before the day on which the election is to be held.

9. The Governor in Council may, subject to the provisions of this Chapter, from time to time, by proclamation prescribe rules and regulations governing the modes, dates, times and places of all first or subsequent elections and all proceedings in connection therewith and such rules and regulations may be revoked, altered or amended from time to time. The said rules and regulations shall be published in the *Royal Gazette* and posted in all public offices and places in the district in which the elections are to be held not less than three months previous to the date fixed for such elections, and thereupon the said rules and regulations shall have the force and effect of law.

10. The cost of the elections shall be paid out of the moneys granted to each Board.

11. The Governor in Council shall, in every year, until every area either existing at the fifth day of June, 1915 or subsequently defined under this Chapter shall have duly and validly elected a Board thereunder, fix in accordance with the provisions of section eight of this Chapter, a date for the holding of a first election in each Electoral District of this Colony in which the same may be necessary.

12. Any qualified elector, who for a period of not less than one year immediately preceding the date of election has resided in the area for which an election is held, shall be qualified to be a member of the Board for such area.

13. In the event of a vacancy among the members of the Board, the vacancy shall be filled by such person or persons, duly qualified under section 12 of this Chapter, as the Board may elect by ballot.

14. No member of the Legislature or permanent Government official shall be elected as a member of a Board.

15. If any of the persons by the next preceding section disqualified for election shall be elected and returned as a member of a Board, such election and return shall be void; and if any such person shall presume to sit or vote as a member of such Board, such person so sitting or voting shall, for each time he shall so sit or vote, forfeit the sum of one hundred

dollars, to be recovered by any person who shall sue for the same in the Supreme Court.

16. The Board elected at any such election shall assume office on a date to be appointed by the Governor in Council, within one month of the holding of such election.

17. The Board shall hold office for the period of two years from the date of their assumption of office, and no longer.

18. The Governor in Council shall at least three months before the expiration of the term for which the members of any Board shall have been elected, fix and publish in the *Royal Gazette* a day for each electoral district, upon which the election of the successors of such members shall be held, and such election shall be then held in the same manner and subject to the same rules and regulations hereinbefore provided for the election of members of the Board.

19. On the assumption of office by a newly elected Board, the outgoing Board shall hand over to its successors all properties, moneys, books, accounts, and all other matters and things pertaining or belonging to the Board or to its business.

20. Subject and except as hereinafter provided, every person who is qualified to vote at an election of a member of the House of Assembly shall be qualified to vote at the election of a Board under this Chapter: provided he be resident within the limits of the area for which such election is held.

21. No special revision of the lists of voters shall be necessary under this Chapter, but the last regular list of registered voters resident within the area to which it refers and made under Chapter 3 of these Consolidated Statutes, entitled, "Of the Election of Members of the House of Assembly," or any amendment thereof, shall be accepted and acted upon as valid for the purposes of this Chapter.

22. Part IV. of Chapter 3 of these Consolidated Statutes, entitled, "Of the Election of Members of the House of Assembly," relating to Corrupt and Illegal Practices in connection with elections under that Chapter shall, with the exception of sections 150 to 152 inclusive, 154 and 158 to 161 inclusive, of said Part IV., and with the substitution of the words "the entry of his vote" for the words "a ballot paper" in section 144, and of the words "on the Board" for "in the House of Assembly" in section 146 of said Part IV, apply in so far as the same can be applied to elections

under this Chapter; and all penalties by said Part IV. imposed shall, in the application thereof to elections under this Chapter, be enforceable or recoverable before a Stipendiary Magistrate.

23. The Boards shall elect two of their members to be Chairman and Deputy-Chairman, respectively.

24. In case of illness, absence from the district, or death of the Chairman, the Deputy Chairman shall discharge all the duties and functions of the Chairman.

25. The annual meeting of the Board shall be held on the first Monday after the tenth day of December in every year.

26. The Chairman of the Board shall annually make up the accounts of the Board up to the day of the annual meeting, and shall present the same to the meeting. On the day following the day appointed for such annual meeting the Chairman shall give public notice in writing, by posting the same in some conspicuous place, of a place he shall appoint, where the accounts of the Board shall be open to the scrutiny of the electors resident within the area, and shall, at the place he shall so appoint, exhibit a full and detailed account of the receipts and expenditures of the Board and the vouchers for all payments made by the Board to any of such electors of the area who shall, within reasonable hours, request to see the same; and the said accounts and vouchers shall be kept open for inspection, as aforesaid, for a period of fourteen days from the date of such notice.

27. If the Chairman shall neglect or refuse to give such public notice, or to exhibit the accounts of the Board or the vouchers for payments to any person entitled to scrutinize the same, within the time appointed by this Chapter, he shall, for every such offence, forfeit and pay to the person aggrieved the sum of twenty dollars.

28. The Chairman shall call all meetings of the Board when requested to do so in writing by any member of the Board, and at any other time he may deem necessary by giving each member of the Board, not absent from the district, notice in writing of the time and place of meeting. The Chairman shall preside at all meetings of the Board and enforce order; his decision on all points of order shall be final when supported by a majority of the members of the Board present at the meeting. The chairman shall keep regular minutes of the meetings; he shall see that all reports and accounts are prepared for the annual meeting, and are then

forwarded to the Minister of Public Works; he shall call and preside at the said annual meeting and thereafter shall vacate his office and hand over to his successor in office all property thereto belonging, under a penalty not exceeding twenty dollars for neglect or refusal to perform any of the duties in this section prescribed.

29. All contracts legally made by outgoing Boards shall be binding on, and all liabilities, rights, benefits and advantages, attaching or belonging thereto, shall enure and attach to their successors.

30. No payments shall be made except such as shall have been duly authorized by the Board.

31. Within the limits prescribed by the Governor's proclamation, and except as herein otherwise provided, the Boards shall have, possess, exercise, perform and discharge all and singular the functions, powers, rights, obligations and duties which by any Act or law in force before the fifth day of June, A.D. 1915, have been vested in or exercised, performed or discharged by the Road Boards, relating to the making, constructing, maintaining, repairing or improving of roads, streets, lanes, highways, firebreaks or thoroughfares, or by any authority relating to:—

- (a) The constructing, maintaining, repairing, opening, or altering of roads, bridges, sewers, drains or gratings;
- (b) The cleansing of the towns and settlements, and all matters relating to the sanitary condition thereof;
- (c) The removal of obstructions from the public streets, lanes and thoroughfares, and the prevention and abatement of nuisances;
- (d) The lighting of towns and settlements.
- (e) Public wharves, breakwaters and slips, unless harbor boards are specially authorized to perform such work;
- (f) The keeping of dogs.

32. The Governor may, by Order in Council, on a petition of the majority of the electors, commit the relief of the poor within any area to the Board elected for that area, and shall thereupon pay over to the Board such sum as shall be voted by the Legislature or otherwise appropriated for the relief of the poor within the limits of such area.

33. The Board shall have power to make rules and regulations re-

specting the keeping of dogs in any settlement within the area over which it has jurisdiction, which has not availed or shall not hereafter avail of the regulations already provided by statute relating to the keeping of dogs, and when such rules and regulations are published in such manner as the Board may direct, they shall have the force and effect of law.

34. The chairman, officers and servants of the Board shall, in respect of all matters enumerated in the two next preceding sections, have, exercise and perform, all and singular the powers, rights, obligations and duties of the authority or person in whom the same were vested before the passing of this Chapter.

35. All contracts of or with a Board shall be made in the name of the Chairman, and signed by him when duly authorized by the Board.

36. All actions by or against a Board may be taken in the name of the Chairman, and no action shall be commenced against a Board for anything done in pursuance of this Chapter until one month after notice in writing shall have been delivered to the said Chairman or Deputy Chairman, or left at the place of meeting of such Board by the party who intends to institute such action, his attorney or agent, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring the same, and the name and place of abode of his attorney or agent.

37. The Boards shall have power to make rules and by-laws for the conduct of their affairs, provided that the same shall not be inconsistent with the provisions of this Chapter.

38. Out of the funds at the disposal of the Boards, a sum of five per cent. of all moneys actually expended shall be applied to the compensation of the Chairmen for their services.

39. The Boards shall, every year, furnish to the Minister of Public Works full and detailed accounts of receipts and expenditures upon all services and purposes, which accounts shall be made up to the thirty-first day of December, and shall be furnished to the Minister not later than the first day of February.

40. The Boards shall furnish an annual report to the Minister of Public Works up to the thirty-first day of December of the condition of all roads and public works within the area under their control, and of the works required to be performed.

41. The Boards shall not have power to incur, enter upon, or contract, or become liable for any expenditure or indebtedness beyond or in excess of the amount of their actual receipts or revenue, without having previously received the express sanction or authority of the Legislature.

42. The Chairman or other servants of the Boards, duly authorized thereto in writing by the Boards, may enter upon any Crown lands, or upon the lands of any corporation or person whatsoever, and into all houses, buildings, tenements or erections upon such lands, whenever it may become necessary for the purpose of making surveys or examinations, obtaining necessary information relative to the construction, alteration, repairing, maintenance or inspection of sewerage, drainage or any other works under this Chapter which the Boards may be hereby empowered to undertake or assume control of for the purpose of carrying into effect the provisions of this Chapter.

43. The Boards, their engineers, officers, foremen, servants and laborers, shall have the right to enter upon any Crown lands, or upon the lands of any corporation or persons whatever, and into all houses, buildings, tenements, and erections thereon, whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage and cleansing hereinbefore authorized, and to break up, dig, excavate and open so much and so many of the public streets or thoroughfares, or private property, or other places as may be necessary for fully and effectually carrying into effect the said work and system, and to pass and repass into, over and upon such streets, thoroughfares, lands, tenements, buildings and premises, and to convey material over, through and upon the same, and to make, construct and lay down pipes, drains, gratings or other necessary works in and upon the same, and, from time to time, remove, alter or change the same.

44. The Boards, their engineers, officers, foremen, servants and laborers may enter upon Crown lands, or the lands of any corporation or person, for the purpose of necessary rights of way across, over, or under such lands, and may enter upon, take and hold any of the said lands, whenever the same may be required for the purpose of constructing, altering, maintaining or inspecting any sewer, drain, street, building or work of any kind that may be undertaken by the Boards or that may become the property of or subject to the Boards.

45. The Board shall have power to alter or divert any water-course, within the limits of their area, for the purpose of the improvement of such water-course, or of the sewerage of the town or settlement, and may

remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of or fill up said water-course, as may be deemed by the Board to be necessary and expedient, and the Board shall have power to enter upon all lands within the limits aforesaid, to dig and excavate upon such lands, and to go under all buildings that may be erected thereon, and may require the owner or occupier of all buildings and erections upon such lands to make alterations in the walls, cellars and other portions of said buildings and erections as may be necessary for the purposes of this Chapter: Provided, that the party upon whose property a Board may require to perform any such operations may, before the commencement thereof, require sufficient security to be given for the due payment of any award that may be made to him under the following sections.

47. All claims against the Boards for damage that may be occasioned to any person whose interests may have been injuriously affected by the taking of lands or tenements, or of any water-course, or by the removal or alteration of any house, building, wharf or store, or by the taking of any right of way over, under or through any land, or by digging or excavating upon any land, or any damage of any kind that may have been occasioned to any interested person by reason of the provisions of this Chapter, shall be referred to arbitration.

47. In all cases of arbitration the Board shall appoint one person, who shall not be a member of the Board, the person preferring the claim shall appoint a second, and the two chosen shall appoint a third, which three persons, or any two of them, shall determine the amount of compensation, if any, to be paid to the party making such claim. In case either party shall refuse or neglect to appoint an arbitrator or arbitrators within seven days after notice in writing from the other to do so, it shall be lawful for the Supreme Court or a Judge thereof, upon the application of the other party, to appoint an arbitrator or arbitrators for the party neglecting or refusing to make such appointment, and such arbitrator or arbitrators, when so appointed, shall have the same power in all respects as if appointed by either party. And the said arbitrators may summon and require the attendance before them of all parties interested in the property or other subject matter of the claim, and all necessary witnesses; and require the production before them of all deeds and papers requisite to establish the title or interest of any party making a claim, and may examine on oath all such parties or their agents and all such witnesses touching the matters to be inquired into by them. In cases where the award is less than one hundred dollars, the fees of all three arbitrators shall be paid

by the Board, and the total amount of fees shall be limited to fifteen dollars; and no plaintiff in any action against the Board, or against any person acting under their authority, for any act done in pursuance of this Chapter, shall recover a verdict or judgment in such action or suit, unless it shall appear to the Judge at the trial that such plaintiff was prevented by having his claim adjudicated upon, in the manner provided by this section, by the wrongful act of the defendant Board or person.

48. The Boards, from time to time, may make such rules and regulations as may be deemed expedient or necessary for:—

- (1) Protecting their property, and all parts and portions thereof, from trespass or injury;
- (2) Regulating in regard to drainage the plans, the inclination and the materials of the pavement and roadway of public and private streets;
- (3) Prohibiting the use of any form of, or any mode of management of any baths, water-closets, soil-pans, sinks, cess-pits, wells and other receptacles and fittings, the use of which may, in their judgment, tend to any fouling or contamination, or to endanger the public health;
- (4) Regulating the conduct of the officers, workmen and servants appointed, employed or hired under and for the purposes of this Chapter, and for providing for the due management and use in all respects of the property of the Board, and of the undertaking, and for its construction, completion, maintenance and extension, and for carrying into effect the purposes of this Chapter generally;
- (5) Imposing such reasonable penalties as they may think fit, not exceeding twenty dollars, for breach of such regulations, and, in case of a continuing breach, a further penalty not exceeding one dollar for each day after notice of such breach shall have been given by the said Board to the offender, which penalty may be recovered in a summary manner upon complaint before a Stipendiary Magistrate by any person who may sue for the same.

49. Such rules or regulations shall be published in the *Royal Gazette*, and otherwise advertised as the Board shall deem expedient, and when so published in the *Royal Gazette* shall have the same force and efficacy as if the same were specifically incorporated in this Chapter.

50. The Governor in Council shall, by warrant on the public treasury of the Colony, pay over to the Boards, on the first days of October and April in each year, the one-half of the following annual votes and grants properly allottable to the area over which the said Boards exercise jurisdiction, viz.:—

- (a) The grant or grants for the maintenance, construction and repairs of roads, streets, bridges and breakwaters;
- (b) Any other sums of money voted for general public improvements; and
- (c) In case the relief of the poor shall have been by Order in Council committed to the said Board, such sum as shall be voted or otherwise appropriated for the relief of the poor within the limits of such area.

51. The moneys so at the disposal of the said Boards shall be applied by them:—

- (a) To the making, constructing, maintaining, repairing or improving of the roads, streets, lanes, highways, fire breaks, wharves or thoroughfares within the area within the jurisdiction of the said Boards;
- (b) The constructing, repairing, maintaining, opening or altering of roads, bridges, sewers, drains, wells and gratings;
- (c) The removal of obstructions from the public streets, lanes and thoroughfares, and the prevention or abatement of nuisances;
- (d) The lighting of the towns and settlements;
- (e) The relief of the poor within the said area.

52. Out of the revenue of the Boards, the Board shall have power to apply to any of the purposes hereinbefore mentioned, such sum or sums of money as in the discretion of the Boards shall seem expedient.

53. All payments by or on behalf of the Boards for labor or for the relief of the poor shall be made in cash, and no sum of money due by a Board to any person in respect of any work done for or on account of such Board shall be subject to attachment or execution, or to any lien or charge whatever for or in respect of any advance of cash or goods made by any member of the Board in respect of or on account of such work.

54. The provisions of this Chapter shall not apply to the District of St. John's within the Municipal limits of the town of St. John's.

CHAPTER 51.

Of Nuisances and Municipal Regulations.

SECTION

- 1.—Obstructing sidewalks, streets, lanes, gratings, etc., carting manures and slaughtering animals, declared to be offences.
- 2.—Throwing stones, ballast, etc., into harbors or roadsteads.
- 3.—Obstructing public coves.
- 4.—Police authority to inspect nuisances in private places.
- 5.—Magistrates authority over dilapidated buildings.
- 6.—Gambling and lewd places declared nuisances.
- 7.—Penalty for keeping same.
- 8.—Title or lease made void thereby.
- 9.—Party knowingly letting or conniving guilty.
- 10.—Penalty for loose and disorderly persons.
- 11.—Indecent exhibitions, loitering, exposing person, lewd language; defacing signs, door-knockers, fences, yards; noise in street, nightwalkers, etc.
- 12.—Maintenance of sidewalks, etc., levelling snow, etc.
- 13.—Maintenance of pavements in good repair.
- 14.—Prevention of coasting, skating, stone-throwing or annoying games in streets, etc.; liability of parents for penalty.
- 15.—Playing games, etc., on Sunday.
- 16.—Dangerous building lots to be enclosed.

SECTION

- 17.—Owner failing to enclose, Municipal Council or Board of Works may do so.
- 18.—When owner absent, service of summons on agent or occupier sufficient.
- 19.—Dangerous chimneys or pipes, etc.; penalty.
- 20.—Using firearms within towns or settlements; penalty.
- 21.—Mumming a nuisance; penalty.
- 22.—Driving furiously or without guiding reins, sleigh or slide without bells, negligent carriage of timber, etc.; penalty.
- 23.—Owner's name to be painted on cart.
- 24.—Rules of the road for vehicles.
- 25.—Goats without yokes, or pigs found wandering to be impounded.
- 26.—Penalties for being found drunk.
- 27.—Prevention of nuisances and safeguarding of public health.
- 28.—Orders of Magistrates same force as law.
- 29.—Exposure of stallions, bulls, rams and he-goats forbidden.
- 30.—Owners of animals at large liable for damage done by them.
- 31.—Castration of animals.
- 32.—Description of animal to be sent Chairman of Board of Agriculture or Agricultural Society.
- 33.—Penalty under two last preceding sections.
- 34.—Procedure.

1. Any person who shall, in any city, town or settlement in this Colony,—

- (1) Draw, drive or carry any truck, sleigh, wheel-barrow or other vehicle in or upon any way used or appointed to be used as a footwalk or sidewalk, except directly across such footwalk or sidewalk on necessary occasions, or lead, ride or drive on any such footwalk or sidewalk any beast, except directly across the same and on necessary occasions, or tie or fasten any horse or other beast, or suffer the same to stand on or across the said footwalk or sidewalk; or
- (2) Place or deposit on any sidewalk, except in transit, any boxes, barrels, packages or other matter or thing so as to obstruct free passage on the sidewalk; or
- (3) Place or leave any mortar, lime, sand, bricks, stone, timber, or other material for building, or sift or screen any lime in any of the public streets, lanes, squares or passages without

the permission of the Magistrate (except for the purpose of building or repairing a house or other erection, for which any person shall have the right to occupy one-third of the street in front of such building during the progress of such work, provided that such place so occupied be enclosed with a sufficient fence) ; or

- (4) Cast or throw any dung, dirt, rubbish or other offensive matter in or upon any gratings, or deposit or cause to be deposited before his dwelling house, store or other building, any dung, dirt, rubbish or any other offensive matter ; or
- (5) Cast or throw or order to be cast or thrown into any of the public coves, streets, lanes or squares, rubbish, dead or dying cattle, or any putrid or offensive matter ; or
- (6) Bring into or carry through the streets, lanes or passages, any putrid substances, manure, night-soil or other offensive matter whatsoever, unless the same be carried in a cart, puncheon or barrel, tight, close and covered ; or
- (7) Kill, slaughter, scald or dress any animal for meat, except with the permission of a Stipendiary Magistrate,

shall be liable for every offence to a penalty not exceeding twenty-five dollars, or imprisonment for a period not exceeding thirty days.

2. Any person who shall throw any stones or ballast, or anything else hurtful or injurious, into any harbor or roadstead in this Colony or its Dependencies shall, for every offence, be liable to a penalty not exceeding fifty dollars, or to imprisonment for a period not exceeding fifty days.

3. Any person who shall encumber, make erections across or obstruct any of the public coves, or the waters thereof, shall be liable to a penalty not exceeding ten dollars, or to imprisonment for a period not exceeding ten days: Provided that this section shall not be held to affect the right of parties to have vessels or boats at wharves adjoining the public coves for the purpose of loading or discharging cargoes.

4. Any Stipendiary Magistrate may open and enter, or may direct the Inspector of Police or a constable to enter and inspect private places, where any noxious substance dangerous to the public health may be reasonably suspected to exist, and shall order all nuisance and filth to be removed therefrom or destroyed ; and if the same shall not be removed or destroyed within twenty-four hours after such order, the person neg-

lecting or refusing to obey such order shall be liable to a penalty not exceeding twenty dollars, or the Magistrate may, in his discretion, cause the same to be removed or destroyed, and may recover the expense of so doing, in a summary manner, in the name of the Clerk of the Peace or constable inspecting, from the person so offending.

5. A Stipendiary Magistrate may, after due notice in writing to the proprietor of any burnt, dilapidated or dangerous building, or his agent, and a hearing of the matter, adjudge the same to be a nuisance in the neighbourhood, or dangerous, and shall make an order prescribing such disposition, alteration or regulation thereof, as the said Magistrate may deem necessary; and if the said proprietor shall fail to comply with such order, he shall be liable to a penalty not exceeding fifty dollars; or the Magistrate may, in his discretion, cause the said nuisance to be removed or destroyed, and may recover the expense of so doing in a summary manner in the name of the Clerk of the Peace or a constable from the person so offending.

6. All buildings, places or tenements resorted to for prostitution, lewdness or illegal gaming, shall be deemed common nuisances.

7. Whoever keeps or maintains such common nuisances shall be liable to a penalty not exceeding one hundred dollars, or to imprisonment in the nearest gaol for a period not exceeding three months.

8. If a tenant or occupant under lawful title of any building or tenement uses such premises, or any part thereof, for any of the purposes enumerated in the sixth section, such use shall annul or make void the lease or other title under which he holds, and, without any act of the proprietor, shall cause the right of possession to revert and vest in such proprietor, who may, without process of law, make immediate entry upon the premises, or he may avail himself of the remedy provided by law for the more speedy recovery of tenements.

9. Whoever knowingly lets a building or tenement, owned by him or under his control, to be used for any purpose mentioned in section six, or after due notice of any such use, omits to take all reasonable measures to eject therefrom the persons occupying the same as soon as it can be lawfully done, shall be deemed guilty of aiding in the maintenance of such nuisances, and punished by fine not exceeding one hundred dollars, or imprisonment for a period not exceeding three months.

10. Any Stipendiary Magistrate may condemn all loose and disor-

derly persons convicted before him, on his own view, or by their own confession, or on the oath of one or more credible witnesses, to pay immediately, or within such period of time as he thinks fit, a fine not exceeding twenty dollars.

11. Persons openly exposing or exhibiting in any street, road, public place or highway, any indecent exhibition, or openly and indecently exposing their persons; persons loitering in the streets or highways and obstructing passengers, using any lewd or insulting language, or in any other way annoying passengers, tearing down or defacing signs, breaking doors or door-plates or knockers, or the walls of houses, yards or gardens, destroying fences, causing a disturbance or noise in the streets or highways by screaming or shouting; also all common prostitutes or night-walkers, wandering in the fields, public streets or highways, not giving a satisfactory account of themselves, shall be deemed loose and disorderly persons within the meaning of this Chapter and shall be subject to the penalty mentioned in the tenth section.

12. Any person, whether occupier or owner, who shall fail in keeping the causeways or sidewalks free of snow and ice, to the extent of the breadth of such sidewalks, and the surface drains adjoining the same, opposite to his land, dwelling house, stores or other buildings, or shall throw any snow or ice in any of the streets, lanes or passages without levelling the same, shall be liable to a penalty not exceeding ten dollars.

13. Any person who shall not keep in good condition and repair the stone, block or plank pavement or causeway opposite to his land, dwelling house, stores or other buildings, shall, for every offence, forfeit and pay a penalty not exceeding twenty-five dollars, and the Mayor of St. John's or chairman of the Road Board may cause to be repaired and amended the said pavement or caseway, and shall thereupon be entitled to recover from the owner or occupier of such land, dwelling house, store or other building before any Stipendiary Magistrate in a summary manner, the expenses incurred in such reparation and amendment, with costs of suit.

14. The Stipendiary Magistrates may make regulations for preventing persons from coasting, skating or sliding down the hills or highways or streets, throwing stones on the said streets, or playing any games in such highways or other places calculated to inconvenience or annoy, and may impose a penalty not exceeding five dollars for every breach of such regulations. The property of parents may be liable under distress for any

penalty imposed on a minor, and the master of any apprentice paying any penalty herein, shall be entitled to recover from the apprentice, or deduct from his wages such penalty.

15. All persons violating the Sunday by playing any game to the annoyance of their neighbors or of the public, and all persons found conducting themselves in a disorderly manner, may be arrested by the police and taken before the said Magistrates, either or any of them, and by him or them tried in a summary manner, and if convicted shall be liable to a fine not exceeding fifty dollars, or imprisonment for a period not exceeding ten days.

16. All building lots and improved and occupied lands fronting on any road, street, lane, or cove, within this Colony, and dangerous to passengers, or in other respects a nuisance, shall be protected and enclosed with a sufficient fence; and should any question arise as to the sufficiency of the fence required by this section or sub-section three of the first section, the order of a Stipendiary Magistrate thereon shall be final and binding on the owner or occupier of the lands to be protected and enclosed by such fence.

17. If the owner or occupier of any building lot, improved or occupied lands, shall neglect, after receiving notice, to protect and enclose the same with such fence, the Mayor of St. John's, or the Chairman of the Road Board in the district where such property is situated, may cause the same to be erected or repaired, and shall thereupon recover from such owner or occupier, before any Justice, in a summary manner, the expenses incurred in the erecting or repairing of such fence, together with costs of suit.

18. In any action which the Mayor of St. John's, or Chairman of the Road Board, shall bring for such expenses and costs against any such owner or occupier of such building lots, improved or occupied lands, who shall be absent from this Colony, service of a copy of the writ or summons in such case upon the agent of the owner, or on the occupier of such building lots, improved or occupied lands, shall be deemed sufficient service for the purposes of this Chapter.

19. On information being given to any Justice of any building wherein there is any dangerous chimney, stove-pipe or funnel, the said Justice shall direct a constable to proceed to the said building and examine the same; and if he shall report to the said Justice that any repairs, alteration or removal be necessary, the said Justice upon hearing the parties may make an order for such repairs, alteration or removal to

be made; and if such order shall not be complied with, such Justice shall cause such removal or alteration to be made at the expense of the occupant or owner of the building. And if any person shall refuse admittance to such constable while acting under this section, or shall not make the removal or alteration so ordered, he shall for each offence forfeit and pay a penalty not exceeding twenty-five dollars, to be recovered together with the expenses of removal or alteration in the name of such constable, and in default of payment the offender may be imprisoned for a period not exceeding ten days.

20. Any person firing any gun, pistol, or fire-arm in any city, town or settlement in this Island, for the purpose of creating a noise or disturbance, or without some necessary or reasonable excuse for so doing, shall, for every such offence, pay a penalty not exceeding twenty dollars.

21. Any person who shall be found at any season of the year in any city, town or settlement in this Colony, dressed as a mummer, masked or otherwise disguised, shall be deemed a public nuisance, and may be arrested by any peace officer, without a warrant, and taken before any Justice of the Peace in the district or place where such person may be found, and on conviction in a summary manner before such Justice of the Peace shall be liable to a fine not exceeding five dollars, or imprisonment for a period not exceeding seven days.

22. Any person who shall use, ride or drive any horse or other animal in a furious or improper manner in any of the streets, squares, lanes, or passages of any city, town or settlement in this Island; or shall thereon drive or suffer to proceed, any cart, carriage, slide or sleigh, without some person leading or guiding with reins the horse attached thereunto, and, if a sleigh or slide, with less than two good bells attached to the harness of such horse; or shall place or leave on any of the streets, squares, lanes or passages, in such manner as to obstruct or endanger the passage thereof, any horse or other beast, or cart, carriage, waggon, sleigh or slide, or shall in or on any cart, Carriage, waggon, sleigh or slide, carry or convey any timber, iron or other articles in such manner as to protrude two feet beyond the wheels of such cart, waggon or carriage, or, if a slide or sledge, beyond the bars thereof, shall for every offence forfeit and pay a penalty not exceeding twenty-five dollars.

23. All carts and waggons employed or used upon any of the public roads or streets of this Island shall have the owner's name painted in full length on some conspicuous part thereof, in letters of not less size than two inches, and painted in white on a black ground, or black on a white ground, under a penalty not exceeding ten dollars.

24. All carriages, carts, waggons, catamarans, sleighs and other vehicles, shall, by the person in charge of the same, on meeting any other carriage, cart, waggon, catamaran, sleigh or other vehicle, be conducted and kept on the left side of the road, so far as the state of the highways or roads will permit, and each person conducting such vehicle shall give one-half of the said road to the other, under a penalty not exceeding ten dollars.

25. If any goat without a good substantial yoke, of which the lower bar shall be three feet, and the upper bar not less than eighteen inches in length, or any pig shall be found wandering or straying in or about any of the streets, squares, lanes or passages aforesaid, any person may impound said goat or pig in the nearest common pound, and the owner of every such goat or pig so found as aforesaid shall forfeit and pay a sum not exceeding two dollars, together with reasonable charges of impounding and keeping the same, and such goat or pig shall be detained until said penalty and charges shall be paid; and if the same be not paid within two days after such goat or pig shall be impounded, any Stipendiary Magistrate, resident in the same locality, may declare such goat or pig forfeited, and, on two days' notice in writing being given, the same may be sold by order of the said Magistrate, and the expenses and penalty deducted from the proceeds of such sale: Provided, that in all towns or settlements in this Island, except Harbor Grace and St. John's, swine with a yoke as aforesaid may be permitted by the Stipendiary Magistrates to go at large.

26. Every person found drunk in any highway or other public place, whether a building or not, shall be liable, on conviction before a Stipendiary Magistrate or Justice of the Peace, to a penalty not exceeding one dollar, or, on a second conviction as aforesaid, within a period of twelve months, to a penalty not exceeding four dollars, and, in default of payment thereof, to imprisonment not exceeding three days, and, on a third or subsequent conviction within the period of twelve months, to a penalty not exceeding ten dollars, or imprisonment not exceeding six days.

27. The Stipendiary Magistrates in this Colony, within their jurisdiction, may make orders for the prevention of nuisances dangerous to personal safety or affecting public health, other than those mentioned in this Chapter; such orders to be confirmed and approved of by the Governor or in Council and published in the *Royal Gazette*.

28. The orders of Magistrates mentioned in the foregoing section,

when confirmed and published, shall, at such time as may be appointed by the Governor in Council, have the same force and effect as if by this Chapter specially enacted, under such penalties as may be prescribed by the said orders, and recoverable in the same manner as hereinafter provided for the recovery of penalties.

29. No person shall show or expose any stallion, bull, ram, or he-goat, except in such place as a Magistrate may appoint, or except in necessarily proceeding to or returning from such place, nor shall the owner or possessor allow any such stallion, bull, ram, or he-goat, to roam at large, except by permission of a Stipendiary Magistrate or Justice of the Peace, under a penalty not exceeding fifty dollars.

30. The owner or possessor of any such stallion, bull, ram, or he-goat at large, shall be liable for all damage and injury committed by said animals to property and stock by injuring the breed, or in any other way whatsoever. The amount of such damages may be recovered by the person sustaining the same from the said owner or possessor in a summary manner before a Stipendiary Magistrate or Justice of the Peace.

31. All bulls, horses, sheep and pigs in this Colony, except those intended for breeding purposes, and registered as hereinafter provided, shall be castrated at the times following, that is to say:—

All bull calves before they attain the age of one year.

Entire horses or colts before they attain the age of two years.

Ram lambs before they attain the age of six months.

Boar pigs before they attain the age of four months.

Provided nothing in this section shall be held to apply to animals which are kept strictly within their owner's premises or under the owner's control.

32. All owners of stock rearing the same for breeding purposes, shall forward to the Chairman of the Board of Agriculture or to the nearest Agricultural Society formed under the provisions of Chapter 139 of these Consolidated Statutes, or to a Stipendiary Magistrate or Justice of the Peace, a statement giving a description of the animal and any other facts relating thereto which may be in the possession of the said owner, which statement shall be in the form of Schedule A to this Chapter.

33. Any person offending against the provisions or failing to com-

ply with the requirements of the two next preceding sections of this Chapter shall be subject to a penalty of not less than one dollar and not exceeding twenty dollars to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace.

34. Except where otherwise provided all penalties and forfeitures imposed by this Chapter shall be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace. All penalties and forfeitures under this Chapter, as well as the costs of such proceedings, may be levied in case of non-payment, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of said Stipendiary Magistrate or Justice of the Peace.

SCHEDULE.

To

The undersigned has in his possession (*or is the owner of*) (*here state the kind of animal, his age and general description.*)

(*Name of owner or possessor*).

(*Address.*)

CHAPTER 52.

Of Egress from Churches, Theatres and other Buildings.

SECTION

- 1.—Doors of all churches, theatres, &c., shall openly freely outwards.
- 2.—Congregations and trustees holding churches to be liable to provisions of this chapter.
- 3.—Buildings at which more than two hundred persons assemble shall have two means of exit.

SECTION

- 4.—No church, theatre, &c., to be constructed in St. John's unless plans first sent to Municipal Council.
- 5.—Penalty.
- 6.—Chapter not to apply to convents or private chapels.

1. In all churches, orphanages, schools, theatres, halls or other buildings heretofore or hereafter constructed or used for holding public meetings, or for places of public resort or amusement, all the doors shall be so hinged that they may open freely outwards, and all the gates of outer fences, if not so hinged, shall be kept open by proper fastenings during the time such buildings are publicly used, to facilitate the egress of people in case of alarm from fire or other cause.

2. Congregations possessing corporate powers, and all trustees, holding churches, or buildings used for churches, and all other persons holding churches, or buildings used for churches, shall be jointly and severally liable as trustees of such congregations, to the provisions of this Chapter.

3. All churches or other buildings where the public may at any time congregate in greater numbers than two hundred, shall forthwith be furnished (if they be not already supplied), with two distinct and separate doors or means of exit, of not less than five feet in width.

4. No buildings intended for use as churches orphanages, schools, theatres, halls or buildings for public entertainment, shall be constructed in the city of St. John's without notice of the same being first given to the St. John's Municipal Council, and a copy of the plans shall be sent to the said Council and all or any orders that the said Council may make concerning the mode of egress from said buildings shall be carried out by the owners or builders, occupiers or tenants, under a penalty of one hundred dollars, to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace.

5. Any person, persons or corporations violating the provisions of

this Chapter other than provided for by the next preceding section, shall be liable to a fine not exceeding fifty dollars, to be recovered by any person who shall sue for the same in a summary manner before a Stipendiary Magistrate or Justice of the Peace.

6. This Chapter shall not be construed to apply to convents or private chapels connected therewith.

CHAPTER 53.

Of Inflammable Substances.

SECTION

- 1.—Short title.
- 2.—Definitions.
- 3.—Illuminating petroleum; restrictions on importation.
- 4.—“High Test” petroleum; restrictions on importation.
- 5.—Composite high test oil for outside service.
- 6.—Naphtha packages to be coloured red, etc.
- 7.—Power to constable to take test samples of petroleum and naphtha.
- 8.—Lubricating oils may be exempted.
- 9.—Permitted quantities of non-volatile inflammable oil.
- 10.—Landing and shipping.
- 11.—Commencement of operation of section 9, etc.
- 12.—Power to approve buildings.
- 13.—Permitted quantities of volatile inflammable oil.

SECTION

- 14.—Outside storage of same in St. John's.
- 15.—Rules and regulations for prevention of fire.
- 16.—Justice may issue search warrant.
- 17.—Constable may seize oils kept in breach of the Act.
- 18.—Penalties for unlawful keeping of oil.
- 19.—Liquefied acetylene prohibited.
- 20.—Restrictions on storage of compressed acetylene.
- 21.—Installation, etc., of acetylene generators.
- 22.—Storage of calcium carbide.
- 23.—Quantity of same which may be stored; marking.
- 24.—Marking of packages of explosives.
- 25.—Inspection by Constables.
- 26.—Penalties.

1. This Chapter may be cited for all purposes as the “Inflammable Substances Act.”

2. In this Chapter, unless the context otherwise requires, the following words and expressions shall have the meanings hereinafter respectively assigned to them, namely:—

“Inflammable Oil” shall include both volatile inflammable oil and non-volatile inflammable oil.

“Volatile Inflammable Oil” shall mean any oil, spirit, or other liquid or fluid having a flash-point not above eighty-five degrees Fahrenheit as determined by the Abel-Pensky closed cup pyrometer and includes crude oil, fuel oil, naphtha, gasoline, benzol and turpentine.

“Non-Volatile Inflammable Oil” shall mean any oil, spirit, or other liquid or fluid having a flash-point above eighty-five degrees Fahrenheit and not above one hundred and fifty degrees Fahrenheit as determined by the said pyrometer, and includes rock-oil, coal-oil, kerosene and other similar oils. Any manufactured liquid or fluid commodity, such as paint, varnish, dryer, cleaning solution, or polishing liquid, which contains inflammable oil, shall be deemed to be included in the above definitions according to the flash-point of the mixture.

“Specific gravity” shall mean the weight of any liquid or fluid as

compared with the weight of an equal volume of distilled water, both being at the temperature of sixty-two degrees Fahrenheit, the barometer standing at thirty inches; and specific gravity shall be expressed by stating in pounds and hundredths of a pound the weight of an Imperial gallon of the liquid or fluid compared or to be compared.

“Petroleum,” except as herein otherwise provided, shall mean and include all the refined products, by distillation, of rock or mineral oil, coal, coal tar, or of any other mineral substance, and having a specific gravity of not less than seven pounds and seventy-five hundredths of a pound; and “Naphtha” shall mean and include all the said products having a specific gravity of less than seven pounds and seventy-five hundredths of a pound.

“Building” shall include storehouse, warehouse, shop, cellar, dwelling, or other building, and any yard or open space contiguous to buildings and so situated that a fire occurring in such yard or open space is likely to be communicated to buildings; and all buildings adjoining each other and occupied together shall be deemed to be a building for the purposes of this Chapter, unless the portions of such buildings in which inflammable oil is kept are cut off from all other parts of such buildings by unpierced fireproof walls and floors.

“Approved Building” shall mean a building whose site and construction have been approved for the storage of inflammable oil by the proper authority, and shall include underground and above-ground tank storage systems, large and small.

“Proper Authority” shall mean—

- (a) Within the limits of the town of St. John’s, the St. John’s Municipal Council after consulting the Chief Officer for the time being of the Fire Department in St. John’s, and
- (b) Outside the said limits, the Governor in Council,

3. Except as herein otherwise provided, petroleum shall not be imported into, sold, or offered for sale in Newfoundland for illuminating purposes:

- (a) If it is a volatile inflammable oil; or
- (b) If its specific gravity exceeds eight pounds and five hundredths of a pound.

4. Petroleum designated and known as “high test” petroleum may

be imported into and sold for use in Newfoundland, for illuminating purposes, under such regulations as to specific gravity as may be established by the Governor in Council, if the flash point is not lower than two hundred and sixty degrees Fahrenheit.

5. The Governor in Council, under regulations made in that behalf, may permit the importation of and the sale within Newfoundland of a composite high test oil, to be used only for outside illuminating service, if, at a temperature determined by such regulations, but not below one hundred and forty-five degrees Fahrenheit, it does not emit a vapour that will flash when tested by the pyrometer hereinbefore mentioned, and if its specific gravity is in accordance with the requirements of such regulations.

6. When naphtha is sold or offered for sale in drums, barrels, or smaller packages, such drums, barrels and packages must be painted or colored red, with the word "Naphtha," in some other color, legibly branded or marked thereon.

7. Any constable or any officer of Customs may, at any time during ordinary business hours, enter the premises of any person who keeps petroleum or naphtha for sale, and may take from any package of petroleum or naphtha found on such premises such quantity of the contents as is necessary for testing the quality thereof, and seal up the same in the presence of the owner or other person in whose possession such petroleum or naphtha then is, and forward the sample to the Government Analyst, who shall test the same and give such constable or officer a certificate of the result of the test, which certificate shall be final and conclusive as to the quality of the article tested.

8. Oils intended solely for use as lubricants, and unfit, owing to the properties thereof, for illuminating purposes, shall be exempt from the provisions of the last preceding section if the packages containing such oils have conspicuously marked or branded thereon the word "Non-illuminating."

9. No person shall at any one time have in his possession or under his control, or keep—

- (1) In any building in this Colony, other than an approved building, more than five barrels or tierces or an equivalent quantity of non-volatile inflammable oil.

- (2) In any building, other than an approved building, situate within the limits of any of the towns of St. John's, Harbor Grace, Carbonear, or Brigus, more than two barrels or tierces or an equivalent quantity of non-volatile inflammable oil; provided that in any building situate between the south side of Water street in any of the said towns of St. John's, Harbor Grace or Carbonear, and the waters of the harbor of such town, five barrels or tierces or an equivalent quantity of non-volatile inflammable oil may be kept.
- (3) On board any boat, craft, ship, or vessel, lying in any of the said harbours, more than five barrels or tierces or an equivalent quantity of non-volatile inflammable oil.

10. (a) Nothing in the last preceding section contained shall be held to apply to oil in the course of being landed from or shipped on board vessels, until the expiry of forty-eight hours from the commencement of such landing or shipping, nor to oil on board any schooner, steamer, or other vessel detained in any such harbour by stress of weather or by delays or difficulties in loading or in departure, nor to the contents of the fuel tanks of any motor propelled vessel in any such harbor.

(b) Whenever any inflammable oil or calcium carbide is landed at any wharf or place in St. John's, and is not removed and the duty payable thereon paid within forty-eight hours after such landing, it shall be lawful for the Customs Officer who is in charge of the landing of such goods to cause the same to be removed to and stored in an approved building. The Customs shall have a lien upon all such goods so removed for the costs of removing the same and for the duty payable thereon, and the building in which such goods are stored shall be deemed to be a bonded warehouse in respect of such goods under the laws relating to Customs, and none of such goods shall be delivered therefrom except upon a Customs' permit. No such permit shall be granted until the cost of removing such goods as aforesaid is paid, as well as the full amount of the duty payable thereon.

11. (a) Section nine of this Chapter shall not come into operation in any of the said towns of Harbour Grace, Carbonear, or Brigus until the Governor in Council shall have issued a

Proclamation in the *Royal Gazette* approving for the storage of oil some building in or near such town.

- (b) The Governor in Council may, from time to time by Proclamation in the *Royal Gazette*, extend the application of section nine of this Chapter to other localities in which he may have approved a building or buildings for the storage of oil, or to other harbours, and may prescribe limits in any of the said localities within which it shall be lawful to store in any building the maximum or minimum quantity of non-volatile inflammable oil permitted in the said section.
- (c) The said section shall continue in operation in any locality so long only as an approved building continues to be provided in such locality.

12. The proper authority may:

- (1) Itself erect an approved building or buildings in which case it may prescribe rules and regulations not inconsistent with this Chapter for the management of such buildings, and fix a scale of fees and charges to be paid for the storage of oil therein; or
- (2) Approve buildings erected for the storage of oil by others, in which case it may prescribe rules and regulations, not inconsistent with this Chapter, governing the location and construction of such buildings.

13. No person shall at any one time have in his possession or under his control, or keep

- (1) In a dwelling-house, more than one gallon of volatile inflammable oil, which shall be kept in a sealed container or safety can of a pattern approved by the proper authority.
- (2) In any building where such oil is used for manufacturing or cleansing purposes, or sold at retail, or in any building except an approved building, more than five gallons of volatile inflammable oil, which shall be kept in sealed containers or safety cans of a pattern approved by the proper authority, and not exceeding one gallon capacity; provided that in the application of this section to automobile garages the contents of the tank or tanks of the automobile or automobiles shall not be taken into account in arriving at the quantity of volatile inflammable oil in the building.

14. Within the limits of the town of St. John's, the proper authority may, subject to such restrictions as it may deem proper in each individual case to prevent danger from fire or explosion, grant permission for the keeping in the open air, or under a properly ventilated shelter and detached from other buildings, of not exceeding ninety gallons of gasolene or other volatile inflammable oil if contained in an approved steel barrel, or of not exceeding fifty gallons of such oil, if contained in a safety can or cans of approved size and pattern.

15. The proper authority may make rules and regulations:

- (a) For the provision in all places where inflammable oils are kept, handled or used of adequate appliances for extinguishing fire;
- (b) For the prevention of the use in any such places of any artificial lighting, or for regulating the installation and use of such lighting system as may be permitted therein;
- (c) For regulating the manner of the storage, handling and use in such places of such inflammable oils, and the type and pattern of all appliances used in connection with such storage, handling and use;
- (d) For the inspection of such places; and
- (e) For the imposition and enforcement of penalties for the breach or non-observance of any such rules and regulations.

16. Any Justice of the Peace may, upon complaint made upon oath by any person that he has reasonable cause to suspect that any larger quantity of inflammable oil is deposited or kept in any place as aforesaid, than the quantity permitted by this Chapter, issue his warrant to a constable to search for the same in the day time, and for that purpose, admittance being first demanded by such constable and refused by the proprietor or occupant of any such place wherein it is so suspected that such oils are unlawfully kept or deposited, such constable may, if there shall be occasion, break open any such place as aforesaid, and enter into, examine and search the same, and if upon any search or examination a greater quantity of said oil than by this Chapter is allowed shall be found by him, this shall be *prima facie* evidence of an offence against this Chapter.

17. Any constable may seize any such oil so found by him and shall, without delay, remove and deposit the same in an approved building and without delay then give information of such seizure, and make complaint

before a Justice of the Peace, who shall thereupon summon the owner or owners of said oil so seized, or person in whose place or keeping the said oil shall be found, requiring the said party or parties to appear and answer or defend the said information or complaint, which shall by the said Justice be heard and determined in a summary way; and if the said person so summoned shall make default in appearance to the said summons, or, after appearance and a due hearing of the said complaint or information, the said Justice shall be of opinion that the party accused has concealed or attempted to conceal the said oil or has obstructed or caused to be obstructed any constable in the performance of his duties under this Chapter, or has improperly attempted to defeat the ends of justice in this behalf he shall in addition to the fines and penalties imposed by this Chapter make an order for the confiscation and sale of the said oil and cause the same to be sold by public auction; and, after payment of such reasonable costs as the said Justice shall award to be paid out of the proceeds of the sale, one-half of the net residue of the said proceeds shall be paid to the informer and one-half towards defraying the expenses of the fire companies, if any, of the town in or near to which the offence was committed, and if there shall be no fire company in such town, then to the Minister of Finance and Customs for the use of the Colony.

18. Every person being owner of said oil, and the person having the same in charge or keeping, and the occupant of the place wherein the same shall be unlawfully deposited or kept shall, on due conviction of having wilfully done anything contrary to the provisions of this Chapter, respectively forfeit and pay the penalties provided for by section 26 of this Chapter, to be recovered at the suit of any person before a Justice of the Peace, as aforesaid, together with full costs of suit; and such penalties shall be disposed of as provided in the last preceding section.

19. No person shall have in his possession or under his control, or keep any liquefied acetylene.

20. No person shall have in his possession or under his control, or keep any compressed acetylene gas, unless the same is compressed in a steel cylinder of approved design and construction and to a pressure not exceeding three hundred pounds to the square inch, and then only by special permission from the proper authority.

21. (1) No acetylene generating or holding apparatus shall hereafter be installed in any building unless the same is of a type and construction approved by and is installed in accordance with the instructions of the proper authority.

- (2) The generator of such apparatus shall be charged and the refuse removed therefrom during day-light, and the refuse shall be removed to some safe place distant from the building.

22. No person shall have in his possession or under his control or keep any carbide of calcium except in air-tight metal receptacles, which shall be stored in a dry place inaccessible to water, children, and careless persons. Every receptacle in use shall be carefully closed immediately after the required carbide has been taken out of it.

23. No person shall have at any one time in any store or warehouse, or in any building where acetylene gas is made or used, a quantity exceeding three hundred pounds of carbide of calcium, which shall be kept in air-tight and water-tight metal receptacles of a capacity not exceeding one hundred pounds each. All cases, barrels and other packages containing more than two pounds of carbide of calcium shall be marked on the outside thereof in red letters at least two inches high "Calcium Carbide. Dangerous if not kept dry."

24. All cases, barrels, and other similar packages, containing gunpowder, gun-cotton, dynamite, or any other explosive matter, shall be marked on the outside thereof with the name of the contents in red letters of at least two inches in length; and such cans, cases, barrels and packages shall be kept in a conspicuous and convenient place in the building in which they are stored, and the position of said place notified to the chief officer of the Constabulary.

25. The Chief Officer of the Constabulary, or any member of the Constabulary Force authorized by him for the purpose, may enter and inspect at any time, and from time to time, any building where carbide of calcium is kept, or where acetylene gas is used or stored; and any person obstructing him or them in their inspection shall be liable to a penalty not exceeding two hundred dollars, to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace.

26. Any person convicted of a breach of any of the provisions of this Chapter shall be liable to a penalty not exceeding two hundred dollars, to be recovered in a summary manner before a Stipendiary Magistrate or Justice of the Peace. Proceedings under this Chapter shall be commenced within twelve months next after the commission of the offence.

CHAPTER 54.

Of the Manufacture, Storage, Importation and Sale of Explosives.

SECTION

- 1.—Interpretation.
- 2.—No person to have, etc., unauthorized explosives.
- 3.—Making of small quantities for experiment not prohibited.
- 4.—No person to alter, etc., any explosive.
- 5.—Licenses to manufacture or store.
- 6.—Permits to import or sell, etc.
- 7.—Special permits for scientific purposes.
- 8.—Application for factory or magazine license.
- 9.—Special permits for experiment, etc.
- 10.—Permits to alter, etc., factories.
- 11.—Notice of change of occupier, etc.
- 12.—Inspectors.
- 13.—Power of Inspectors.
- 14.—Enquiries into explosions.
- 15.—Governor-in-Council may make regulations, etc.

SECTION

- 16.—Publication of regulations.
- 17.—Penalty for obstructing inspectors.
- 18.—Penalty for trespassing, etc., in a factory or magazine.
- 19.—Penalty for acts likely to cause explosion, etc.
- 20.—Penalty for possessing, etc., unauthorized explosives.
- 21.—Penalty for unspecified offences.
- 22.—Recovery of penalties.
- 23.—Exceptions to application of chapter.
- 24.—Chapter not to apply to certain ships.
- 25.—Rules to be observed by ships carrying explosives.
- 26.—Rules to be observed by ships loading, etc., explosives.
- 27.—Duties of Collector of Customs, etc.

1. In this Chapter, unless the context otherwise requires—

- (1) "Department" means the Department of Agriculture and Mines;
- (2) "Minister" means the Minister of Agriculture and Mines;
- (3) "Authorized explosive" means any explosive which has been authorized under this Chapter;
- (4) "Explosive" means and includes gun-powder, blasting powder, nitro-glycerine, gun-cotton, dynamite, blasting gelatine, explosive compounds of nitrate of ammonium, explosive compounds of chlorate of potassium, fulminates of mercury or of other metals, fog and other signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every other substance, whether chemical compound or mechanical mixture, which has physical properties similar to those of the substances above mentioned, and every adaptation or preparation of everything above named.
- (5) "Factory" means and includes any building, structure or premises in which the manufacture or any part of the process of manufacture of an explosive is carried on, and any build-

ing or place where any ingredient of an explosive is stored during the process of manufacture;

- (6) "Inspector" means and includes the Chief Inspector of explosives, an inspector of explosives, a deputy inspector of explosives, and any other person who is directed by the Minister to inspect an explosive or explosive factory or magazine, or to hold an inquiry into any accident caused by an explosive;
- (7) "Magazine" means and includes any building, storehouse, structure, ship or place in which any explosive is kept or stored;
- (8) "Occupier" means any person who operates a factory for manufacturing explosives, or is the manager of or in charge of such factory, or who is the occupant of or uses a magazine for the storage of explosives;
- (9) "Regulations" means any regulations made by the Governor in Council under the authority of this Chapter;
- (10) "Safety cartridges" means cartridges for guns, rifles, pistols, revolvers and other small arms, of which the case can be abstracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges.

IMPORTATION, SALE, MANUFACTURE AND USE.

2. Except as herein provided, no person shall have in his possession, or import, store, use or manufacture, whether wholly or in part, or sell, any explosive unless such explosive has been declared by the Minister to be an authorized explosive.

3. Nothing in this Chapter shall apply to the making of a small quantity of explosive for the purpose of chemical experiment, and not for practical use of sale.

4. Except in so far as may be permitted by regulations made under this Chapter, no person shall carry on any of the following processes, namely: Of dividing into its component parts, or otherwise breaking up or unmaking, any explosive; of making fit for use any damaged explosive; or of re-making, altering or repairing any explosive: Provided that this section shall not apply to the process of thawing explosives containing nitro-glycerine, if a proper apparatus or thawing house is used.

LICENSES AND PERMITS.

5. The Minister may issue licenses for factories and magazines, and no one shall manufacture, either wholly or in part, or store explosives except in licensed factories and magazines.

6. The Minister may issue permits for the importation, sale and transportation of authorized explosives, and no one shall import any explosives into Newfoundland or transport any explosives from place to place without such permit; provided, however, that nothing in this section shall prevent any explosive from being transported through Newfoundland by railway in bond, if such transportation is made in a manner authorized by any regulation or order made hereunder. No permit shall issue to an importer until he satisfies the Minister that he has a licensed magazine to store explosives in.

7. The Minister may, on application, and on payment of the prescribed fees, issue a special permit to import, for the purpose of chemical analysis or scientific research, an amount not exceeding two pounds of any explosive specified in such permit.

8. Applications for factory or magazine licenses shall be made in such form and manner as are prescribed by regulation, and the application shall be accompanied by—

- (1) A plan, drawn to scale, of the proposed factory or magazine, or of the land on which such factory or magazine is situated, and also of the lands adjacent thereto on which buildings are erected, with the uses to which such lands and buildings are now put. Such plan to have the exact distances between the several buildings marked thereon, and shall show all existing public roads, railways, pathways and rights of way, and other topography.
- (2) A description of the situation, character and construction of all buildings and works connected with the factory or magazine, and the maximum amount of explosive to be kept in each building;
- (3) A statement of the maximum number of persons to be employed in each building in the factory or magazine;
- (4) Any information or evidence which the Minister may require;
- (5) In the case of an application for a factory license, a statement of the maximum amount of explosive, and of ingredients there-

of wholly or partially mixed, to be allowed at any time in any building, machine, or process of the manufacture, or within the distance from such buildings or machine which is limited by regulation.

- (6) A statement of the nature of the processes to be carried on in the factory and in each part thereof, and the place at which each process of the manufacture, and each description of work connected with the factory is to be carried on, and the places in the factory at which explosives and anything liable to spontaneous ignition, or inflammable or otherwise dangerous, are to be kept.

9. The Minister may, on application and on payment of such fees as are prescribed by regulation, issue a permit to manufacture for experimental purposes or for testing and special blasting operations only, and not for sale, any new explosive, upon such conditions and subject to such restrictions as are fixed by the Minister.

10. The owner or occupier of a factory or magazine shall not make any material alteration or addition to a licensed factory or magazine, or re-build any part thereof, until he has obtained a permit from the Minister; and before such permit may be granted he shall submit such plans and other information and evidence as the Minister may require.

11. A factory or magazine license shall not be affected by any change in the person of the owner or occupier of the factory or magazine; but notice thereof, with the address and calling of the new owner or occupier, shall be sent by the owner to the Minister within three months after such change, and in default thereof, the new owner and occupier shall each be liable to a penalty not exceeding one hundred dollars for every week during which such default continues.

INSPECTORS.

12. The Governor in Council may appoint a chief inspector of explosives, one or more inspectors of explosives, one or more deputy inspectors of explosives, and a chemist of explosives, and may appoint members of the police force as deputy inspectors.

13. An inspector may, at any time, visit and inspect any factory, magazine or premises where any explosive is being manufactured or stored, or where he has reason to suspect any explosive is being manufactured or stored, and may open and examine any package that he may there find; and

the owner and occupier of such factory, magazine and premises, shall afford such inspector every facility to make such inspection full and complete, and shall supply the inspector with any information that he may require.

(2) An inspector may require the owner or occupier of any factory, magazine, store or premises where any explosive is manufactured or stored, or any person employed in any such place to give him such samples as he may require of any substance therein, whether in the state of raw material, material in course of manufacture, or manufactured material, which the inspector believes to be an explosive, or to be an ingredient from which an explosive may be manufactured.

(3) An inspector may, at any time, open or cause to be opened any package or store of material of whatsoever nature, which he believes to contain explosives or ingredients for the manufacture of explosives.

ENQUIRIES INTO EXPLOSIVES.

14. The Minister may direct an enquiry to be made whenever any accidental explosion of an explosive has occurred or when any accident has been caused by an explosive or where a fire has occurred in a factory or magazine.

(2) Whenever there occurs any accident by explosion or by fire in any factory or magazine the occupier of such factory or magazine shall forthwith send notice of such to the Minister.

REGULATIONS.

15. The Governor in Council may, from time to time, and at any time, make regulations—

(1) For classifying explosives, and for prescribing the composition, quality and character of explosives;

(2) Prescribing the form and duration of licenses, permits and certificates issued under this Chapter, the terms and conditions upon which such licenses, permits and certificates shall be issued, and the fees to be paid therefor.

(3) For regulating the importation, sale, packing, and handling of

explosives, and the transportation of explosives in any vehicle or train of vehicles or otherwise;

- (4) For enquiries into the accidental explosion of explosives, and any accident caused by explosives or by fire;
- (5) For fixing the terms of exemption from the operation in whole or in part of this Chapter of shops, stores and other places where small quantities of explosives are kept for use or sale.
- (6) For the taking of samples of explosives required for examination and testing, and for the establishing of testing stations, and for the tests and other examinations to which explosives shall be subjected;
- (7) Prescribing the manner in which an explosive shall be tested and examined before it is declared to be an authorized explosive, and for determining to what examinations and tests authorized explosives shall be subject;
- (8) To be observed by inspectors and other officers and employees charged with any duty under this Chapter, or under any regulations made thereunder;
- (9) Relating to the construction and management of factories and magazines; and the rules and regulations to be observed by employees;
- (10) For the safety of the public and of the employees at any factory or magazine, or any person engaged in the handling or packing of explosives, or the transportation of explosives;
- (11) Governing the establishment, location and maintenance of factories and magazines and the manufacture and storage of explosives;
- (12) For the more effective carrying out of this Chapter.

16. All regulations made under this Chapter shall be published in the *Royal Gazette*, and upon being so published they shall have the same force as if they formed part of this Chapter.

OFFENCES AND PENALTIES.

17. Every person who fails to permit an inspector to enter upon any property, and to inspect, examine, or make enquiries in pursuance of his duties, and every person who fails to comply with any reasonable order or direction of such inspector, in pursuance of the requirements of

this Chapter, or any regulation made thereunder, or who, in any manner whatsoever, obstructs such inspector in the execution of his duties under this Chapter, shall be liable to a penalty not exceeding five hundred dollars and costs.

18. Every person who enters without permission or lawful authority, or otherwise trespasses upon any factory or magazine shall, for every offence, be liable to a penalty not exceeding fifty dollars and costs, and may be forthwith removed from such factory or magazine by any constable, or by any person employed at such factory or magazine.

19. Every person who commits any act which is likely to cause an explosion or fire in or about any factory or magazine, shall be liable to a penalty not exceeding five hundred dollars and costs.

20. Every person who, by himself or his agent, has in his possession, sells, offers for sale or manufactures or imports any unauthorized explosives within the meaning of this Chapter, shall, for a first offence, be liable to a penalty not exceeding two hundred dollars and costs, or to imprisonment for a term not exceeding three months, or to both penalty and imprisonment, and for each subsequent offence shall be liable to a penalty not exceeding five hundred dollars and costs, and not less than fifty dollars and costs, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment, and the unauthorized explosive together with the receptacles containing same shall be forfeited and disposed of for the benefit of the Crown, or destroyed, as may be decided by the Minister.

21. Every person who violates any provision of this Chapter for which a penalty has not been provided, or any regulation made thereunder, shall, for a first offence, incur a penalty not exceeding two hundred dollars and costs, and for each subsequent offence a penalty not exceeding five hundred dollars and costs.

22. Every penalty and forfeiture may be recovered in a summary manner before a Stipendiary Magistrate.

23. This Chapter shall not apply to—

- (1) Any of His Majesty's ships;
- (2) The keeping of any explosive for the purpose of signalling at or near a station on the sea coast under the control of the Government;

- (3) The keeping of any explosive on board any ship in pursuance of the provisions of the laws relating to Merchant Shipping.

24. The provisions of this Chapter shall not apply to any merchant ships which may be armed for self-defence or otherwise, under arrangements made by the Lords Commissioners of the Admiralty, and which may enter any port in this Colony.

25. Every ship, excepting warships and ships armed as provided in the next preceding section, entering any port in this Colony, having on board any gunpowder or other explosives, shall in the day-time fly a red flag at or near the mast head, and if at night shall display a red light at least twenty feet above the top deck.

26. Every ship, excepting warships and ships armed as provided in section twenty-four, loading or having on board gunpowder or any other explosive, shall in the day-time fly a red flag at or near the mast head, and at night shall display a red light at least twenty feet above the top deck; such vessel so loaded shall anchor in mid-stream if remaining in port.

27. No ship, excepting warships and ships armed as provided in section twenty-four, having on board any gunpowder or other explosives, shall be permitted to haul into a wharf, quay or dock without permission from the Collector of Customs.

It shall be the duty of the Collector of Customs before giving such permit to ascertain whether the gunpowder or other explosives are contained in a safe magazine or stored in a safe place in the said vessel, and he shall have power to forbid the lighting of fires, smoking or other dangerous acts, and to take all the necessary precautions and to use such force as may be necessary to carry out his orders or the work of his subordinates.

CHAPTER 55

Of the Exhibition of Advertisements.

SECTION

1.—Exhibition of advertisements may be controlled.

SECTION

2.—Publication of rules.
3.—Penalties.

1. For all places within a radius of five miles from the Court House in St. John's, the St. John's Municipal Council, and for all other places in the Colony the Governor in Council may make rules—

- (1) For the regulation and control of boardings and similar structures used for the purpose of advertising; and
- (2) For regulating, restricting or preventing the exhibition of advertisements in all places, and particularly in such places and in such manner, or by such means, as to affect injuriously the amenities of a public park or pleasure or recreation ground or to disfigure the natural beauty of a landscape.

2. Such rules and regulations shall be published in the *Royal Gazette* and in one other newspaper in the Colony, and shall have the force of law as if embodied in this Chapter.

3. If any person acts in contravention of, or fails to comply with any rule made under this Chapter, he shall be liable, on summary conviction, to a penalty not exceeding twenty-five dollars, or in default of payment, to imprisonment for any term not exceeding six months, and to a further penalty not exceeding five dollars or one month's imprisonment for every day during which the offence is continued after conviction thereof.

CHAPTER 56.

Of Public Libraries

SECTION

1.—Governor in Council may appoint Literary

Boards.

2.—Powers of such Boards.

SECTION

3.—Vacancies.

4.—Duties of Boards.

5.—Circulating Libraries may be organized.

1. For any town or settlement in this Colony the Governor in Council may appoint a Board of five members to be known as a Public Library Board.

2. Every such Board when appointed shall be a body corporate and politic under the name of “The Public Library Board for (*the town or settlement for which it is appointed*),” and shall have power to acquire and hold lands for the purposes for which it is appointed, and to receive bequests and donations of money and otherwise for such purposes, and to invest such moneys, and generally to have all necessary powers for the management and control of Public Libraries in their respective towns and settlements.

3. Vacancies on such Boards, caused by death or otherwise, shall be filled by appointment by the Governor in Council.

4. Such Boards may make all necessary rules and regulations for the government of Libraries in their respective towns and settlements, and may impose penalties for breaches of same. Such rules and regulations, when approved by the Governor in Council and published in the *Royal Gazette* and one other newspaper published in this Colony, shall have the force and effect of law.

5. Every Public Library Board may organize circulating and travelling libraries for all parts of Newfoundland and Labrador.

CHAPTER 57.

Of Motor Vehicles.

SECTION

- 1.—Respecting the negligent driving of motor vehicles and the powers of the police.
- 2.—Registration and numbering of cars.
- 3.—Licenses to drivers of cars.
- 4.—Issue of licenses.
- 5.—Powers of Court in case of conviction.
- 6.—Penalty for forgoing or altering license.
- 7.—Duties of driver in cases of accidents.
- 8.—Regulations by Municipal Council.
- 9.—Special roads may be prohibited.
- 10.—Speed of motors.
- 11.—Racing or driving for wager prohibited.

SECTION

- 12.—Alarm bell.
- 13.—Lights.
- 14.—Rules of the road to be observed.
- 15.—Locking device.
- 16.—Penalty section.
- 17.—Mayor of St. John's may sue for license fees.
- 18.—Disposition of fees.
- 19.—Common law liability not affected.
- 20.—Interpretation.
- 21.—Short title.

1. Any person who shall drive a motor car on a public highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the highway, and the amount of traffic which is actually at the time, or which might reasonably be expected to be on the highway, shall be guilty of an offence under this Chapter.

(1) Any police constable may apprehend, without warrant, the driver of any car who commits an offence under this section within his view, if he refuses to give his name and address or produce his license on demand, or if the motor car does not bear the mark or marks of identification.

(2) If the driver of any car, who commits an offence under this section, refuses to give his name or address, or gives a false name or address, he shall be guilty of an offence under this Chapter; and it shall be the duty of the owner of the car, if required, to give any information which it is within his power to give and which may lead to the identification and apprehension of the driver, and if the owner fails to do so he also shall be guilty of an offence under this Chapter.

2. (1) Every motor car owned and operated within the limits of the town of St. John's shall be registered with the St. John's Municipal Council, and the said Council shall assign a separate number to every car registered with it.

(2) A mark indicating the registered number of the car shall be fixed

on the car or on a vehicle drawn by the car, or on both, in such a manner as the said Municipal Council may require by regulations made under this Chapter.

- (3) The fees in the Schedule hereto shall be payable by the owners of all motor cars and motor cycles resident or operating such cars within the town of St. John's; such fees shall be paid upon registration, and annually thereafter on such date as may be fixed by the St. John's Municipal Council in the regulations made under the provisions of this Chapter.
 - (4) If a car is used on a public highway without being registered, or if the mark to be fixed in accordance with this Chapter is not so fixed, or if, being so fixed, it is in any way obscured, or rendered or allowed to become not easily distinguishable, the person driving the car shall be guilty of an offence under this Chapter, unless, in case of a prosecution for obscuring a mark, or rendering or allowing it to become not easily distinguishable, he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable.
- 3.** (1) A person shall not drive a motor car on the public highway unless he is licensed for the purpose under this Chapter, and a person shall not employ any person who is not so licensed to drive a motor car. If any person acts in contravention of this section he shall be guilty of an offence under this Chapter.
- (2) The St. John's Municipal Council shall grant a license to drive a motor car to any person applying for it, unless the applicant is disqualified under the provisions of this Chapter.
 - (3) A license shall remain in force for a period of twelve months from the date on which it is granted; but shall be renewable, and the same provisions shall apply with respect to the renewal of the license as apply with respect to the grant of the license.
 - (4) A license must be produced by any person driving a motor car when demanded by a police constable. If any person fails to produce his license, he shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty-five dollars.

- (5) Any person under the age of seventeen years shall be disqualified for obtaining a license (except that a license limited to driving motor cycles and motor cars under five horse-power may be granted to a person over the age of fourteen years), and any person who already holds a license shall be disqualified for obtaining another license while the license so held by him is in force.

4. No license to drive a motor car under the provisions of this Chapter shall be granted except upon the certificate of the Inspector General of Constabulary that the applicant is a person of reliability and experienced in the operation of motor vehicles. Upon the issue of such license, and upon every annual renewal thereof, a fee of six dollars shall be paid.

5. (1) Any Court before whom a person is convicted of an offence under this Chapter, or of any offence in connection with the driving of a motor car other than a first or second offence consisting solely of exceeding any limit of speed fixed under this Chapter—
- (a) May, if the person convicted holds any license under this Chapter, suspend that license for such time as the Court thinks fit; also, declare the person convicted disqualified for obtaining a license for such further time after the expiration of the license as the Court thinks fit; and
- (b) May, if the person convicted does not hold any license under this Chapter, declare him disqualified for obtaining a license for such time as the Court thinks fit; and
- (c) Shall if the person convicted holds any license under this Chapter, cause particulars of the conviction and of any order of the Court made under this section to be endorsed upon any license held by him, and shall also cause a copy of those particulars to be sent to the Saint John's Municipal Council.
- (2) Any person so convicted, if he holds any license under this Chapter, shall produce the license within a reasonable time for the purpose of endorsement; and if he fails to do so, shall be guilty of an offence under this Chapter.
- (3) A license so suspended by the Court shall during the time of sus-

pension be of no effect, and a person whose license is suspended, or who is declared by the Court to be disqualified for obtaining a license, shall during the period of suspension or disqualification be disqualified for obtaining a license.

- (4) If any person who under the provisions of this Chapter is disqualified for obtaining a license, applies for or obtains a license while he is so disqualified, or if any person whose license has been endorsed applies for or obtains a license without giving particulars of the endorsement, that person shall be guilty of an offence under this Chapter, and any license so obtained shall be of no effect.

6. If any person forges or fraudulently alters or uses or fraudulently lends or allows to be used by any other person any mark for identifying a car, or any license under this Chapter, he shall be guilty of an offence under this Chapter.

7. A person driving a motor car shall, in any case, if an accident occurs to any person whether on foot or horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of the motor car on the road, stop, and, if required, give his name and address and also the name and address of the owner and the registration mark or number of the car; and if any person knowingly acts in contravention of this section, he shall be liable on summary conviction, in respect of the first offence to a fine not less than fifty dollars, and in respect of the second offence, to a fine not less than one hundred dollars, and not exceeding two hundred dollars, and in respect of any subsequent offence, to a fine not exceeding three hundred dollars, or in the discretion of the Court to a term of imprisonment not exceeding one month.

8. (1) The St. John's Municipal Council may make regulations—

- (a) Providing generally for facilitating the identification of motor cars, and in particular for determining and regulating the size, shape and character of the identification marks to be fixed under this Chapter and the mode in which they are to be fixed and to be rendered easily distinguishable, whether by night or by day, and with respect to the registration of cars and the entry of particulars of the ownership of the car in the register, and the giving of those particulars and for making any particulars contained in the register

available for use by the police, and for making the registration of the car void if the regulations as to registration are not complied with; and

- (b) With respect to the licenses to be granted under this Chapter, and in particular with respect to the register to be kept of those licenses and the renewal of licenses, and for making any particulars with respect to any person whose license is suspended or endorsed available for use by the police, and for preventing a person holding more than one license.

(2) The said rules shall be published by three insertions in one daily newspaper of the Colony one month before coming into effect.

9. The St. John's Municipal Council may prohibit or restrict the driving of any motor cars, or of any special kind of motor cars, on any specified highway or part of a highway within the limits of the St. John's Municipal Council on which ordinary motor car traffic would, in the opinion of the said Council, be especially dangerous.

10. A person shall not under any circumstance drive a motor car on a public highway at a speed exceeding twenty miles per hour during the hours of the day (that is, between sunrise and sunset), or exceeding ten miles per hour during the hours of the night (that is between sunset and sunrise), or in or within one mile of any city, town or settlement at a speed exceeding ten miles per hour. If a person acts in contravention of this section he shall be liable on summary conviction, in respect of the first offence, to a fine not exceeding fifty dollars; and in respect of a second offence, to a fine not exceeding one hundred dollars; and in respect of any subsequent offence, to a fine not exceeding one hundred dollars, or, in the discretion of the Court, to a term of imprisonment not exceeding one month; but a person shall not be convicted under this section for exceeding the limit of speed of twenty miles merely on the opinion of one witness as to the rate of speed: Provided that the St. John's Municipal Council may by bye-law or regulation set apart any public street or highway or any part thereof, on which motor cars may be driven at any higher rate than herein limited for the purpose of testing the same, and may pass bye-laws for regulating and governing the use of any such street or highway, or part thereof, for the purposes aforesaid.

11. No person shall drive a motor car upon any public street, highway, road, park, parkway or driveway, in this Colony, in a race or on a bet or wager.

12. Every motor car shall be equipped with an alarm bell, gong or horn, and the same shall be sounded whenever it is reasonably necessary to notify pedestrians or others of the approach of such motor car.

13. Every motor car shall carry during the period from sunset to one hour before sunrise at least two lighted lamps showing white lights visible at least two hundred feet in the direction in which such motor car is proceeding, and also attached to the rear of such motor car a lighted lamp with a red lens and one white lens, so arranged as to cast the light upon the number and identification marks of said car.

14. The driver of every motor car is required and directed to observe the usual rules of the road by keeping to the left on approaching cars, trucks, carriages, cabs, horses or vehicles of any description coming from an opposite direction and by passing the same on the right when proceeding in the same direction, and to go at a slow rate of speed.

15. Every motor car shall be provided with a locking or other device to prevent said motor car from being set in motion, and no person shall allow any such motor car operated by him to stand or remain unattended in any street, alley or public way, without first locking and making fast the said motor car as herein provided.

16. (1) A person guilty of an offence under this Chapter for which no special penalty is provided, shall be liable in respect of each offence to a fine not exceeding one hundred dollars, or in the case of a second or subsequent offence, to a fine not exceeding two hundred dollars, or, in the discretion of the Court, to imprisonment for a period not exceeding three months.

(2) All offenders against the provisions of this Chapter may be prosecuted and convicted, and all fines and penalties and other punishments imposed, recovered and made in a summary manner before a Stipendiary Magistrate.

(3) Any party feeling aggrieved by any conviction, judgment or sentence of any Stipendiary Magistrate under the provisions of this Chapter, may appeal to the Supreme Court sitting in St. John's or on Circuit, subject to the following conditions, viz.: that the appellant shall give to the said Stipendiary Magistrate, where the conviction, judgment or sentence is had, made or imposed, in the Central District, within three days, and if elsewhere within ten days, notice of his intention so to appeal; and shall, within the respec-

tive periods aforesaid, enter into recognizance, with two sufficient sureties, before the said Stipendiary Magistrate, conditioned to appear at the first ensuing sitting of the Supreme Court, and to prosecute such appeal with effect, and to abide by the judgment of the said Court thereupon, and to pay such penalty and costs, or perform such other act or comply with such conditions as may be then ordered or imposed.

17. All registration and license fees may be sued for and recovered by action in the name of the Mayor of St. John's.

18. One half of the fees received by the Municipal Council under this Chapter shall be retained by and form part of the income of the Council, the remainder shall be paid by the said Council into the Treasury of the Colony, and shall be appropriated and applied as may be directed by the Governor in Council to the repairs of roads and bridges in any Districts through which motor vehicles are usually driven.

19. Nothing in this Chapter shall affect any liability of the driver or owner of a motor car by virtue of any statute or at common law.

20. In this Chapter the expression "motor car" means any vehicle not run upon rails or tracks which is propelled by any mechanical power, not including muscular power.

21. This Chapter may be cited for all purposes as "the Motor Cars Act."

SCHEDULE.

Motor Cycles	\$5.00
Motor Cars up to 10 horse power	12.00
Motor Cars from 10 to 20 horse power	18.00
Motor Cars from 20 to 60 horse power	18.00
(In addition 50c. per h.p. over 20 h.p.)	
Motor Cars from 60 h.p. upwards	38.00
(And 75c. per h.p. over 60 h.p.)	

Provided that only one half of the above fees shall be payable in respect of motor cars used *bona fide* for hire.

Horse power under this Schedule is to be determined according to the standard or scale of the Royal Automobile Club of London, England.

CHAPTER 58.

Of the Censoring of Moving Pictures.

SECTION

- 1.—Board of Censors
- 2.—Power to inspect.

SECTION

- 3.—Power to prohibit exhibition.

1. The Governor in Council may appoint a Board consisting of three persons, to be called the Board of Censors, and hereinafter called the Censors, a majority of which Board shall be a quorum.

2. The Censors, or any of them may at any time enter any building or place where any exhibition of moving pictures is carried on, for the purpose of inspecting and passing upon the fitness for public exhibition of any moving or stationary picture films or slides used or displayed in such building or place; and any person hindering or obstructing any of the Censors in the performance of such duty shall be subject to a penalty not exceeding one hundred dollars, or in default of payment, to imprisonment for a period not exceeding two months.

3. A quorum of the Board of Censors present at any such exhibition may, by oral or written notification to the proprietor of such exhibition or to the person operating the projection machine thereat, summarily prohibit the exhibition of any moving or stationary picture, film or slide which they may consider to be injurious to the morals of the public, or against the public welfare, or offensive to the public, and any such proprietor or operator exhibiting such film or slide after the receipt of such notification, shall be guilty of an offence against this Chapter, and shall be subject, for each such offence, to a penalty not exceeding one hundred dollars, or, in default of payment, to imprisonment for a period not exceeding two months.

CHAPTER 59.

Of Prevention of Interments in Certain Burial Grounds

SECTION

1. —In certain burial grounds in St. John's interments to cease.
2. —Burial grounds to remain under care of clergy, &c., of churches to which they belong.

SECTION

- 3-4. —Governor in Council may declare burial grounds closed in certain cases.
5. —Penalty for contravention of this chapter.

1. All the burial grounds situate in St. John's within the limits hereinafter mentioned shall cease to be used for the interment therein of the bodies of deceased persons; and no person shall inter the body of any deceased person within the limits following, that is to say: Commencing at the southern end of the Gas Works fire-break; thence following the direction of the said fire-break north-westerly, sixteen hundred and fifty feet more or less until it intersects the road leading to Mundy's pond; thence running north-easterly in a straight line seven thousand three hundred feet, more or less, to the bridge over the stream running from Upper Long Pond, and situate on the Portugal Cove Road, near Rennie's Mill; thence from the said bridge, following the course of the said stream two thousand eight hundred feet, more or less, easterly, to the north-west angle of a lot of land granted to the Lord Bishop of Newfoundland, and appropriated as a cemetery; thence following the western boundary line of the said cemetery, southerly, five hundred and seventy-six feet, more or less, to the south-west angle thereof; thence following the southern boundary of the said cemetery, easterly, four hundred and fifty-six feet, more or less, to its south-eastern angle, and thence in a straight line to the junction of the roads leading to Quidi Vidi: thence following the direction of the last-named road, easterly to the stream running from George's pond; thence following the direction of the said stream, southerly, to the Ordnance boundary line; thence following the direction of the said boundary line, westerly and southerly, to the shore; and thence following the winding of the shore westerly, to the place of commencement: except the ground granted to the late Right Reverend Bishop Fleming, and described in a certain grant, bearing date the thirtieth day of June, Anno Domini one thousand eight hundred and thirty-eight.

2. The burial grounds situate within the limits aforesaid shall remain under the care, management, direction and control of the clergy,

churchwardens, trustees or committee men respectively of the churches or congregations to which the same belong, and in whom the said burial grounds are at present vested; and shall be fenced, protected, planted and managed in such manner, and under such regulations as the clergy, churchwardens, trustees or committees of the churches or congregations to which the said burial grounds belong shall establish.

3. When the clergyman, churchwardens, trustees, or committee, leaving the care, management, direction and control of any burial ground, shall make it appear, to the satisfaction of the Governor in Council, that it is desirable for sanitary or other reasons that interments in such burial ground should be discontinued, the Governor in Council may issue a Proclamation declaring such burial ground closed from a certain date, to be mentioned in such Proclamation, and from thenceforth the bodies of deceased persons shall not be interred in such burial ground.

4. The Governor in Council may by Proclamation prohibit the interment of the bodies of deceased persons in any town or settlement within certain limits, to be defined in such Proclamation, after a date to be therein mentioned, and from thenceforth the bodies of deceased persons shall not be interred within such limits.

5. Any person interring or attempting to inter the body of any deceased person, in contravention of the provisions of this Chapter, shall forfeit and pay a penalty not exceeding one hundred dollars, to be recovered in a summary manner before a stipendiary Magistrate, and in default of payment shall be liable to imprisonment for any term not exceeding three months.

CHAPTER 60.

Of the St. John's Municipal Council.

SECTION

1. —Boundaries of town.
2. —Mayor and Council.
3. —Term of office.
4. —Respecting vacancies.
5. —Respecting vacation of sea's.
6. —Qualification of Mayor and Councillors.
7. —Respecting holding offices of profit by members.
8. —Penalty for holding such offices of profit.
9. —Election void in cases of disqualification, and penalty.
10. —Qualification of voters.
11. —One vote each rate payer.
12. —Respecting votes of corporations.
13. —Executors not entitled to vote.
14. —Rate payer only entitled to one vote.
15. —Electors must be registered.
16. —Respecting taking of lists of voters.
17. —Respecting elections.
18. —Nomination fee.
19. —Power of Council to appoint officers and servants.
20. —Respecting quorum and presiding officer at meetings.
21. —Power of Council to make rules.
22. —Compensation to Mayor and Councillors.
23. —Respecting the making of contracts.
24. —Power to take and hold lands.
25. —Powers granted to one officer may be exercised by another under certain conditions.
26. —Respecting the streets of the town.
 - (1) Water, Duckworth, New Gower and George streets.
 - (2) Eastern portion of Water street.
 - (3) Eastern portion of Duckworth street.
 - (4) Gower street.
 - (5) Queen's road.
 - (6) Cochrane street and Garrison hill.
 - (7) Victoria and Cathedral streets.
 - (8) Bond street.
 - (9) York street.
 - (10) Prospect street.
 - (11) LeMarchant road.
 - (12) Henry street.
 - (13) Bell street.
 - (14) Dick's street.
 - (15) Piece of land near Church hill appropriated to public.
 - (16) Piece of land near Long's hill appropriated to public.
27. —A plan to be record of boundaries.
28. —Respecting the inflammability of buildings in certain places.
29. —Extent and width of firebreaks.
30. —Church hill firebreak.
31. —Extent and width of public coves.
32. —Appropriation of certain land for firebreak.
33. —Respecting landmarks.
34. —Penalty for removing landmarks.
35. —Respecting the making of new roads through private property.
36. —No building to be erected without plan first approved.

SECTION

37. —Extension of certain provisions to the water front of St. John's.
38. —No person to instal machinery without leave of Council.
39. —Council may prescribe conditions for building.
40. —Regulations as to buildings.
41. —Power of Council to make and alter streets.
42. —Respecting public coves.
43. —Sidepaths.
44. —Ascertainment of damage and compensation by arbitration.
45. —Arbitration in case of improvement to property.
46. —Exchange of property in widening or altering streets.
47. —Respecting the taking of adjoining land by the proprietor.
48. —Respecting party-walls.
49. —Disputes about party-walls.
50. —Penalty for disobedience to order of Council.
51. —Respecting use of adjoining wall.
52. —Power of Council to modify section 51.
53. —No person shall build within limits of streets or firebreaks.
54. —Buildings in contravention of Act to be nuisances.
55. —Respecting ladders.
56. —Respecting fire escapes.
57. —Certain portions of houses to be of unflammable material.
58. —Respecting the erection of external wooden steps.
59. —Respecting the porch of the Methodist Church.
60. —Street on South Side.
61. —Power of Council to alter same.
62. —Said street shall be a public street.
63. —Firebreaks on said street.
64. —Repairs to extent of 40 per cent. shall constitute a new building in certain cases.
65. —Powers of Council and procedure when a building is dangerous.
66. —Respecting cemeteries in city limits.
67. —Powers of Council in reference to water supply.
68. —Duty of Council to manage Windsor Lake.
69. —Powers of Council in reference to laying of pipes.
70. —Compensation for damages.
71. —Costs of repairs to be paid by consumers of water.
72. —Power of Council to introduce pipes.
73. —Authorized person to have free access to houses.
74. —Respecting cisterns and closets.
75. —Penalty for wrongful use and waste of water.
76. —Penalty for obstructing servants of Council.
77. —Penalty for improper use of water.
78. —Council to have possession of Windsor Lake and adjoining Crown Land.

SECTION

- 79.—Power to prevent pollution of waters of Windsor Lake.
- 80.—Power to expropriate land near Windsor Lake.
- 81.—Powers of Council in respect of roads, streets and bridges.
- 82.—Mayor to exercise functions of Chairman of Road Board.
- 83.—Payment for land appropriated.
- 84.—Power as to enclosure of vacant lands.
- 85.—Power to grant permission to lay cables, &c.
- 86.—Powers of Council respecting sewerage and sanitary condition of town.
- 87.—Powers to construct necessary sewers and drains.
- 88.—Power to impose sewerage upon lands in certain cases.
- 89.—Houses within fifty feet of sewer shall connect therewith.
- 90.—Penalty for building without necessary sewer.
- 91.—Recovery of penalty.
- 92.—Approval by Council of sewer pipes constructed.
- 93.—Certain houses may be notified to connect with sewer.
 - (1) Connection may be made by Council in case of refusal: penalties, &c.
 - (2) Respecting insurance
 - (3) Respecting payment of cost of such work.
 - (4) Council may fix cost.
 - (5) Recovery of assessment.
 - (6) Recovery from ground land.
 - (7) Increase of rent.
 - (8) Interpretation.
- 94.—Servants of Council may enter upon lands to make examination.
- 95.—Servants of Council may enter upon lands for sewerage purposes.
- 96.—Servants of Council may enter upon lands for purposes of right of way.
- 97.—Implied condition in contracts for tenancy.
- 98.—Powers of Council and Supervisor as to inspection.
- 99.—Powers of Council as to general rules for sanitation.
- 100.—Powers of Council to alter water courses.
- 101.—Compensation for damages.
 - 102.—Municipal Supervisor.
 - 103.—Municipal Inspectors.
 - 104.—Powers of Supervisor and Inspectors.
 - 105.—Penalty for obstructing Supervisor or Inspectors.
- 106.—Respecting lavatories in workshops.
- 107.—Duties of Supervisor.
- 108.—Powers to establish public baths.
- 109.—The Inspection of water powers.
- 110.—Impounders.
- 111.—Female dogs.
- 112.—Penalties.
- 113.—Recovery of penalties.
 - 114.—Bannerman Park.
 - 115.—Control and supervision of Park.
 - 116.—Rent payable to Governor.
 - 117.—Victoria Park.
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SECTION

184.—Council also to pay \$13,000 for Fire De-
partment.
185.—Records of Council may be searched on
application.

1. For the purposes of this Chapter, the town of St. John's shall be held to be comprised within the following boundaries or limits, hereinafter described as the town limits, viz.:

Commencing at Chain Rock, thence in a straight line to the north-east corner of Deadman's Pond; thence in a straight line to the north-east angle of the Penitentiary grounds; thence to the north-west angle of the Roman Catholic Cemetery; thence in a straight line to Allandale Bridge, not inclusive; thence in a straight line to the bridge over Mundy Pond Brook, not inclusive, on the Mundy Pond road; thence following the said road to its junction with Hamilton Street; thence in a straight line to Syme's Bridge, not inclusive; and thence in a straight line to the quarry on the South Side Hill, known as Cuddihy's Quarry; thence in a straight line to Fort Amherst; and thence to the place of commencement.

2. The control and management of the local affairs of and pertaining to the town of St. John's, hereinafter and more specifically set forth shall be and continue to be vested in a Board consisting of a Mayor and six Councillors, to be known as "The St. John's Municipal Council," and in this Chapter hereinafter called "the Council."

3. The Mayor and members of Council shall hold office for a term of four years: The election of members shall take place at a date to be fixed by the Governor in Council, not later than the first day of July, or as near thereto as possible, in every fourth year from the year 1918 inclusive.

4. In the event of a vacancy among the members of the Council such vacancy shall be filled by an election to take place at a time to be appointed by the Council,

- (1) If the vacancy be in the office of the Mayor, not later than six months after such vacancy has occurred.
- (2) If the vacancy be in the office of a Councillor, not later than six months after such vacancy has occurred: Provided that if such vacancy in the office of a Councillor shall occur at any time after the expiration of two years from the date of the preceding general election it shall not be necessary to fill

said vacancy unless the Council shall so determine, or shall receive from not less than one-fifth of the duly qualified electors, according to the list of voters of the preceding general election, a requisition asking that such vacancy be filled. Upon receiving such requisition, the Council shall appoint a time not later than three months thereafter for an election to fill such vacancy;

And until any such vacancy is filled by an election, and, in the case of a vacancy occurring after the expiration of two years from the date of the preceding general election, and failing the determination of the Council or the receipt of a requisition to fill the same as aforesaid, until the expiration of a term of four years for which the Council was elected, the Council shall be fully and properly constituted notwithstanding any such vacancy.

5. Any member of the Council who shall—

- (1) Be absent from the Colony for a period of six calendar months continuously;
- (2) Be declared insolvent, (but having obtained his certificate of discharge, he shall become eligible for election or re-election);
- (3) Be convicted of any felony or misdemeanor, shall therefore cease to be a member of the Council.

6. Except as hereinafter provided, any person shall be qualified to be elected as Mayor or a Councillor, who has for a period of one year next preceding his election, been liable to, and actually paid rates or assessments to the amount of eight dollars and twenty-five cents per annum to the Saint John's Municipal Council, either as ground landlord, owner, lessee, or occupier of any lands, tenements, buildings, or any interest therein, and is otherwise entitled to vote at an election of a member of the Council.

7. No member of the Council shall hold any office, place, or employment of emolument, profit or advantage from, under, or in connection with the Council; or in any department of, in or upon any work, service or business under the control, management or direction of the Council, directly or indirectly, himself or by any person whomsoever in trust for him, or on his account, undertake, execute or enjoy in the whole, or in part, any contract or agreement with the Council: Provided that this sec-

tion shall not apply to a member of an incorporated body when such corporation shall contract for the benefit of the corporation.

8. Any member of the Council who shall act in contravention or violation of any of the provisions of the next preceding section, shall thereupon cease to be a member of the Council, and his seat shall thereupon become vacant; and thereafter if he shall presume to sit or vote as a member of the Council, he shall, for each time he shall so sit or vote, forfeit the sum of two hundred dollars, to be recovered by any person who may sue for the same in the Supreme Court.

9. If any person hereinbefore disqualified or declared to be incapable to sit or vote in the Council, shall be elected and returned as a member of the Council, such election or return shall be void, and if any person so disqualified as aforesaid, shall presume to sit or vote as a member of the Council, such person so sitting or voting shall, for each time he shall so sit or vote, forfeit the sum of two hundred dollars, to be recovered by any person who may sue for the same in the Supreme Court.

QUALIFICATION AND REGISTRATION OF VOTERS.

10. Subject and except as hereinafter provided, the persons who shall be qualified to vote at the election of Mayor or Councillors shall be every male British subject of the age of twenty-one years and upwards, who has, for a period of one year next preceding the election, occupied a dwelling house within the limits of the town as above defined, or who, having resided for one year preceding such election within the limits as above defined, has been liable to and actually paid rates or assessments to the St. John's Municipal Council, either as ground landlord, owner, lessee or occupier of any lands, tenements, buildings, or any interest therein, or any other tax under this Chapter. Every such person shall be deemed to be, and is hereafter described as a rate payer.

11. Every rate payer shall be entitled to one vote for the election of the Mayor and each of the six Councillors.

12. No member of a corporation or of any such body of persons shall be entitled to vote individually in respect of property belonging to such corporation or body of persons, but every corporation shall be entitled to one vote, to be given by any of its officers appointed in writing by the corporation for that purpose.

13. Where property is held by an executor, administrator, trustee,

or other person in trust for the use or benefit of others, the person beneficially entitled shall be held to be the rate payer in respect of such property.

14. A rate payer liable to assessment upon more than one property, or in respect of more than one interest in property, shall not on that account be entitled to more than one vote.

15. Except as provided as to supplementary lists, no person shall be entitled to vote at any election of the Mayor or Councillors whose name has not been previously registered as a voter in the manner hereinafter prescribed.

16. A list of voters for the town shall be made, published, revised, authenticated and furnished, as nearly as circumstances will permit, in the same manner and by the same officers, persons and courts respectively, who shall severally have, exercise, discharge and perform the same powers, rights, duties and authority as are provided by law in relation to the making, publishing, revising, authenticating and furnishing lists of voters for the election of members of the House of Assembly and subject to the same regulations, conditions and provisions. The Governor in Council shall have power to make such rules and regulations as may be deemed necessary for carrying into effect the provisions of this section, which rules and regulations shall be published in the *Royal Gazette*, and shall have the force and effect of law as if specially enacted herein.

ELECTIONS.

17. All elections of members of the Council shall be held and conducted as nearly as circumstances will permit in the same manner as, and subject to the same regulations, conditions and provisions as are made, prescribed and provided by law in relation to election of members of the House of Assembly and all and singular the powers, duties and functions of the Governor in Council in relation to the election of said members of the House of Assembly, shall apply to the election of said members of the Council, and returning officers, deputy returning officers, poll clerks, magistrates, justices of the peace, constables and other officers shall exercise, perform and discharge all and singular the same powers, duties and privileges in and about and in relation to such election as are provided in the case of elections of members of the House of Assembly.

- (1) The names of the candidates for Mayor shall not be included in the same ballot paper as the names of the candidates for

Councillors, but one kind or set of ballot papers shall be prepared containing the names of the candidates for Mayor and one kind or set containing the names of the candidates for Councillors. Such ballot papers shall be in form to be prescribed by the Governor in Council.

- (2) Every elector entitled thereto shall receive at his polling booth one ballot paper of both kinds or sets, and shall mark the same or have them marked and hand them both to the deputy returning officer in such booth, who shall place them in the one ballot box.

18. Every candidate for the office of Mayor or Councillor shall, at the time of nomination, deposit with the returning officer the sum of fifty dollars. Every candidate for whom there shall be polled a number of votes equal to one-half of the votes polled for any successful candidate, shall be entitled to have one-half of the said deposit returned to him, and any candidate failing to obtain such one-half shall forfeit the said deposit to the Council, to be applied towards the expense of the election.

INTERNAL AFFAIRS OF COUNCIL.

19. The Council shall have power to employ and appoint such officers and servants as may be necessary for effectually carrying out the provisions of this Chapter, and to fix the salaries of such officers and servants. All officers and servants of the Council shall hold office during the pleasure of the Council, or for such time as may be fixed by agreement.

20. The Mayor, or in his absence, the senior Councillor present, shall preside at all meetings of the Council. Any four members of the Council shall be a quorum for the transaction of business. The senior Councillor shall be the Councillor elected with the largest number of votes.

21. The Council shall have power to make rules and bye-laws for the regulation and conduct of its own affairs; provided the same shall not be inconsistent with the provisions of this Chapter.

22. Out of the funds at the disposal of the Council a sum not exceeding one thousand five hundred dollars per annum shall be applied to the compensation of the members of the Council for their services; of which the sum of six hundred dollars shall be paid to the Mayor in monthly payments; and from the remainder each of the Councillors shall be en-

titled to receive such sum as the Council shall determine for every actual attendance at meetings of the Council.

23. All contracts or agreements of or with the Council shall be made in the name of the Council and signed by the Mayor, or in his absence, a member of the Council duly authorized therefor by the Council

24. The Council, with the approval of the Governor in Council, may purchase lands and other property and hold the same for the uses of the Council.

25. In any case in which under this Chapter powers are conferred or duties imposed upon any engineer, supervisor, inspector, or any other officer or servant of the Council, and the Council shall deem it necessary that the said power or duties should be exercised or performed by any other or additional officers or servants of the Council, or other persons acting under their authority, the Council shall have power by rule, regulation, or bye-law, to be authenticated and promulgated as hereinafter provided, to substitute or add such other officer, servant, or person, and to confer the said powers, and impose the said duties upon the said substituted or additional officer or person, who shall thereupon exercise and perform the same in the same manner as the officer or servant designated by this Chapter.

RE BUILDING OF THE TOWN AND WIDENING OF STREETS.

26. The following enactments shall be, and continue to be in force, in relation to the re building of the town and the opening, widening and improvement of streets, firebreaks and lanes therein:—

- (1) Water Street shall extend from the eastern side of Temperance Street on the east, to the junction of the Topsail and Waterford Bridge roads on the west.

Duckworth street shall extend from Temperance Street aforesaid on the east, to Williams' Lane on the west.

New Gower Street shall extend from the junction of Queen's Road and Duckworth Street to Job's Street.

The street or firebreak commonly called George Street, shall be extended from Waldegrave Street to Flower Hill firebreak on the west, and from Queen Street to Williams' Lane on the east.

- (2) That portion of Water Street, in the town of St. John's, ex-

tending from Temperance Street firebreak on the east, to Beck's Cove on the west, shall be not less than sixty feet in width, from the north line of said street, and shall be according to the lines laid down for the said street in the plan to the Act 56th Vic., (Special Session) Chapter 1, as amended by the Act 56 Vic., (Session 2) Cap. 14, and the Act 1 Ed. VII., Cap. 17, which said north line shall be as follows:

Commencing at the south-east angle of a late building lately occupied by Harvey & Co., on the corner of Temperance Street, and thence following a line sixty feet north of the south line of Water Street, as it was before the eighth day of July, eighteen hundred and ninety-two, to a point one hundred and twenty feet east of the east side of Cochrane Street, and thence in a straight line to the south-west corner of a late building lately occupied by T. & M. Winter, at King's Beach; thence in a straight line to the south-east corner of a late building lately occupied by John C. Strang; thence in a straight line to the south-west corner of the late building lately occupied by one Clouston, at Church Hill firebreak; thence to a point twenty feet south of the south-west corner of the late Court House; thence to a point five feet south of the south-east corner of the late shop lately occupied by McMurdo & Co.; thence to a point twenty-four feet north of the south-east corner of the late shop lately occupied by P. Jordan & Sons; thence to the south-west corner of the late building lately occupied by one McCoubrey, at McBride's Hill; thence to a point two hundred feet east of Beck's Cove and three feet north of the old line of said street, and thence to a point one hundred and forty feet from Beck's Cove on the old line of said street, and thence to the north-east corner of Beck's Cove firebreak on the said street.

A straight line drawn from the south-east corner of Rogerson's building, on the north side of Water Street, occupied by T. R. Smith and Michael Connors, to the south-west corner of the building at the corner of Holdsworth and Water Streets, occupied by Roger Callahan, shall form and be the northern boundary of Water Street between the said points.

(3) That portion of Duckworth Street, in the said town, extending

from Ordnance Street on the east to Beck's Cove on the west, shall be sixty feet wide from the north line of the said street, which said line shall be as follows:

Commencing at the projecting angle or southernmost point of the south wall of Ordnance Yard, running thence in a straight line to a point eight feet south of the south-west corner of the late building lately occupied by G. Gaden, at King's Road; thence in a straight line to the south-east corner of the land occupied by the Commercial Bank; thence, following the line of street as it existed on the seventh of July, eighteen hundred and ninety-two, to Church Hill. Again commencing at a point thirteen feet west from the south-east corner of the late building lately occupied by Dr. McKenzie, and two feet north of the front line of said late building, and running thence in a straight line to the south-west angle of the land owned by the Total Abstinence Society; thence following the old north line of street to Beck's Cove firebreak.

- (4) Gower Street shall extend from Ordnance Street to its junction with Queen's Road, and shall be sixty feet wide from the south line of said street, which said line shall be as follows:

Commencing at a point fifteen feet south of the old south line of said street at the angle of Ordnance Street and Gower Street, and thence in a straight line to a point eight feet north of the north-west corner of the late house lately occupied by Joseph Baldwin, King's Road; thence in a straight line to the north-east angle of the Cathedral grounds, running thence in a straight line by the Cathedral fence to the junction of said street with Queen's Road.

- (5) Queen's Road shall extend from King's Road to its junction with Duckworth Street and New Gower Street, and shall be sixty feet wide from the north line of said street, according to the line laid down in the plan hereinbefore mentioned, which line shall be as follows:

Commencing at a point on the west side of King's Road, one hundred and seven feet south of the north-west angle of King's Road and Military Road; thence in a straight line to the southern boundary of the land of Michael Berney at Prescott Street, and thence following the old line of street

to the western boundary of the land of the Benevolent Irish Society; thence in a straight line in the direction of the west angle of Bulley's lane to a point eighty feet from the west side of Garrison Hill; thence in a straight line to the western angle of the late Central Fire Hall; thence in a straight line to the east corner of Allan's Square, and thence in a straight line to a point five feet and a half north of the south-west angle of Byrne's house at the foot of Carter's Hill.

- (6) Cochrane Street and Garrison Hill shall be of the same length and width as they were on the seventh of July, eighteen hundred and ninety-two.
- (7) Victoria Street and Cathedral Street shall be of the same length as they were on the seventh of July, eighteen hundred and ninety-two, and shall be sixty feet wide, according to the lines in the plan hereinbefore mentioned.
- (8) Bond Street shall extend from Cochrane Street to Church Hill firebreak, and shall be fifty feet wide, according to the lines in the plan hereinbefore mentioned. No erections shall be placed on that triangular piece of ground, bounded as follows:—North by Queen's Road, south by Bond Street, east by Cathedral Street and west by Church Hill firebreak, and the same is hereby appropriated to the public use.
- (9) York Street shall extend from Wood Street to Cochrane Street, and shall be fifty feet wide, according to the lines in the plan hereinbefore mentioned.
- (10) Prospect Street shall extend from Holloway Street to King's Road, and shall be fifty feet wide, according to the lines in the plan hereinbefore mentioned.
- (11) The southern boundary of LeMarchant Road shall be a straight line drawn from its junction with Freshwater Road to its junction with Hamilton Avenue, and it shall be sixty feet wide from its southern boundary throughout.
- (12) Henry Street shall extend from Dick's Street to Church Hill fire break, according to the lines in the plan hereinbefore mentioned, and shall be fifty feet wide throughout.
- (13) Bell Street shall extend from Duckworth Street to Henry

Street, according to the lines in the said plan, and shall be forty feet wide throughout.

(14) Dicks' Street shall extend from Queen's Road to the north line of Duckworth Street, according to the lines in the said plan, and shall be forty feet wide throughout .

(15) The land, bounded on the south by a line one hundred and ten feet north of the line of Gower Street, on the north by the south line of Bond Street, on the west by Church Hill, and on the east by Cathedral Street, is hereby appropriated for the use of the public, and no building shall be constructed thereon.

(16) The triangular piece of land near the foot of Long's Hill, between Queen's Road and Gower Street, west of the Methodist Church, is appropriated to public use, and no erections shall be placed thereon.

27. The plan to the Act 56 Vic., (Special Session) Cap. 1, as amended as aforesaid, shall be preserved as a record of the lines and boundaries, the streets, firebreaks, coves and roads, and shall on all questions touching such lines and boundaries, be conclusive evidence of the same, and form part of this Chapter as if incorporated herewith.

28. No person shall build, erect, or put up any building or erection other than such as shall be built of brick, stone, or other unflammable material, and roofed or covered with iron, slate or other unflammable material, in such parts of the said town as are hereinafter described, that is to say:

On the south side and to the southward of Duckworth Street;

On the south side and to the southward of George Street.

On the south side and to the southward of a line drawn parallel to, and two hundred feet to the northward of, the north side of that part of Water Street which lies between Flower Hill fire-break and Job's Bridge.

On the north side and south side of that part of Water Street which lies between Hutching's Street and Patrick Street.

On any of the wharves or along the water front of the north side of the town of St. John's: Provided that the Council may grant permission to erect on said wharves or along said water front sheds for the storing of merchandize not over fifteen feet high and covering an area of not more

than two thousand square feet, if the roof and sides of same are covered with some fireproof material.

All houses, buildings and erections of wood which, since the ninth day of June, in the year one thousand eight hundred and forty-six, have been already built, or which shall hereafter be built on the south side and to the southward of Duckworth Street and George Street aforesaid respectively; and all houses, buildings and erections of wood which, since the thirty-first day of May, in the year one thousand eight hundred and fifty-one, have been already built, or which shall hereafter be built on the south side and to the southward of the said line drawn parallel to, and two hundred feet to the northward of the north side of that part of Water Street which lies between Flower Hill firebreak and Job's Bridge, as aforesaid, shall be public nuisances, and shall be abated, as provided by this Chapter.

29. The following firebreaks or cross streets, namely: Temperance Street firebreak, Ordnance firebreak, King's Beach firebreak, Prescott Street firebreak, McBride's Cove firebreak, and Beck's Cove firebreak, shall be sixty feet wide, and shall be according to such lines and boundaries as may be determined upon by the Governor in Council.

30. Church Hill firebreak from Water Street to Duckworth Street shall be according to the boundaries and lines in the plan hereinbefore mentioned. From Duckworth Street to Queen's Road the said firebreak shall be fifty feet in width, and according to the lines in the plan hereinbefore mentioned.

31. Codner's Cove, Queen Street, Stuart & Rennie's Cove, Flower Hill and Gas Works firebreaks, shall be of the respective widths and according to such lines and boundaries as now exist and have been laid down under the superintendence of any supervisor of streets.

32. For the purpose of perfecting a firebreak, it shall not be lawful to construct buildings of wood, or other inflammable materials, upon the lot of land bounded on the north by the triangular piece of land appropriated under section 26, on the south by Gower Street, on the west by Church Hill, and on the east by Cathedral Street.

33. For the purpose of marking out and making plainly known the boundary lines of the several streets, firebreaks, cross streets, coves and roads hereinbefore described, the Council shall cause marks of stone or iron to be put down in such places as it shall deem necessary for the pur-

pose aforesaid; and the lines of the said streets, cross-streets, firebreaks, coves and roads so marked and described shall be the lines and boundaries of the same.

34. No person shall remove any of the said landmarks without authority in writing for so doing being first obtained from the Council; and any person who shall unlawfully remove, displace, alter, break, deface or damage, any of the said landmarks, shall forfeit and pay a fine not exceeding twenty-five dollars and costs, and in default of payment such offender shall be liable to be committed to prison for any period not exceeding thirty days.

35. No new road, street or lane, shall be opened or made by private parties through their own ground, within the limits of the said town, and upon which houses shall be proposed to be erected, without the consent of the Council, nor in any case of a less width than fifty feet; and no such new road, street or lane, shall be opened or made within one hundred and forty feet, or such greater distance as the Council may determine, of any other road, street or lane running parallel, or nearly parallel therewith, used as a thoroughfare, and upon which houses or buildings may front, unless upon an order of the Council first obtained for the purpose; and every such new road, street or lane, so opened or made contrary to the provisions of this Chapter shall be a nuisance, and be abated accordingly. And no person shall build or erect on any of the streets, cross-streets, firebreaks, coves, roads or lanes, within the limits of the town, and not defined in this Chapter, whether such streets, cross-streets, firebreaks, coves, roads or lanes be now opened or shall hereafter be opened, any house or other building nearer to the centre of such streets, cross-streets, firebreaks, coves, roads or lanes, than twenty-five feet; and all houses and other buildings erected on any such streets, cross-streets, firebreaks, coves, roads or lanes nearer to the centre thereof than twenty-five feet shall be public nuisances, and the like proceedings shall be had with respect to the same as are provided with respect to other public nuisances.

36. No person shall build or erect in any place in the town of St. John's, whether on the site of a former building or not, any house, stable or other building, unless he shall have first submitted a plan of such house, stable or other building to the Council, and such plan shall have been approved of, and consent to the erection of such house, stable or other building shall have been given by the Council; and any house, stable or other building erected without such plan having been submitted and approved of as aforesaid, shall be a public nuisance, and the like proceeding shall be

had in respect of the same as are provided with respect to other public nuisances: Provided that the Council may, whenever they may think fit, decline to approve of any plan submitted to them, and may refuse their consent to the erection of any house, stable or other building unless and until they shall be satisfied that the lines of such house, stable or other building, entirely coincide with the lines of streets upon which the said house, stable or other building, may front or abut; that such house, stable or other building, will not from any cause whatever be a source of danger to the neighboring houses or buildings; that such house, stable or other building, will not be prejudicial to the health of the inhabitants of the town or any of them, and also that the style and manner of construction of such house, stable or other building, shall conform as nearly as possible to other buildings either erected or about to be erected on the same street.

37. The provisions of the next preceding section shall be deemed to apply to all erections, whether temporary or permanent, on any of the wharves or along the water front of the North Side of the town of St. John's.

38. No person shall erect, rent or hire any building within the town of St. John's with the intention of placing therein, and no person shall place in any building already erected, any engine, boiler or machinery without first giving the City Engineer or the Secretary of the St. John's Municipal Council a notice in writing of such intention. The said engineer shall immediately thereupon examine the said site and the plan of such building, or the said building, as the case may be, and shall report thereon to the Secretary of the Municipal Council. The said Council may thereupon grant to the applicant leave to erect the said building or to set up the said machinery, or they may withhold such leave. Any person neglecting to give such notice, or acting contrary to directions in writing of the Secretary of the Council, or without the said leave, shall be liable to a fine not exceeding the sum of twenty-five dollars, and work done contrary to this section shall be a public nuisance and abated accordingly.

39. The construction of houses or buildings of any sort shall not be commenced within the city limits without the permission of the Council, who shall have power to make and prescribe terms and conditions to be observed and performed by the owner of the land or the lessee in respect of the payment by the said owner or lessee of the whole or a portion of the cost of the laying or introduction of the water or water pipes, the opening or construction of sewers or sewerage, or the making, opening,

widening or improvement of the road or street along or near to which the said house or building is to be constructed.

40. The Council shall have power from time to time to make and prescribe regulations, (and also fines and penalties for the breach or non-observance thereof), defining and prescribing the following matter, namely:

- (1) The height to which any building may be erected upon any particular street, and the height of all or any of the several flats or storeys thereof.
- (2) The distance from the street line at which any proposed house or building shall be erected.

41. The Council may, by order made and published in the *Royal Gazette*, or by proclamation, make, open, widen or alter any streets, cross-streets, firebreaks, coves, roads or lanes, other than the streets, cross-streets, firebreaks, coves, roads and lanes, in this Chapter defined, or any part of such streets, cross-streets, firebreaks, coves, roads or lanes, and may prescribe the widths of such streets, cross-streets, firebreaks, coves, roads or lanes, in their several parts, and the same vary; and may regulate and adjust the levels of all streets, cross-streets, firebreaks, coves, roads and lanes within the limits of the town as aforesaid, and also alter, regulate and adjust the levels and widths of all foot-paths or side-walks heretofore made or laid down, or hereafter to be made or laid down; and the Council, by order made and published as aforesaid, may close any street, cross-street, firebreak, cove, road or lane, other than those in this Chapter defined.

42. The public coves in the town shall be of the same extent and width and with the same boundaries, except elsewhere and otherwise provided, as at the passing of this Chapter.

43. Side paths for the use of foot passengers shall be ten feet wide on all streets, cross-streets, firebreaks, coves, roads and lanes, sixty feet wide and upwards, and shall be covered with such material as the Council shall determine, and the paths appropriated for the use of foot-passengers on each side of Water Street and Duckworth Street shall be covered with concrete or plank, asphalt or other like material, as the Council may determine respectively, along the front of each house or building abutting on the said street, the cost of said pavement to be paid by the

owner of the land on which the said house or building stands; except that the tenant-owners of the house or building shall pay the cost of such pavement, in the case of all houses or buildings erected under building leases on said streets, after the first day of June, A.D. 1892, which leases are for terms of seventy-five years or upwards, or are renewable without increased rent for that length of time from the commencement of the term. The subsequent cost of repairing or relaying said pavements when they were laid by the Council or under the direction thereof, shall be paid by the Council.

44. For the purpose of ascertaining the damage that has been or may be occasioned to any person whose interest in any lands or tenements has been or may be in any way affected under the provisions of this Chapter, the Council shall appoint one person not being a member of the Council, and the party interested in any such property shall appoint a second, and the Mayor for the time being shall be the third, which three persons, or any two of them, shall determine the amount of compensation, if any, to be paid such party according to his interest therein. And in case such party shall refuse or neglect to appoint an arbitrator within seven days after notice in writing so to do from the said arbitrator appointed by the Council and the Mayor, the said arbitrator and Mayor shall name a third arbitrator, and the award of any two of them shall be final and binding; and the said arbitrators shall be sworn before a Magistrate to do justice between the parties, and may summon and require the attendance before them of all parties interested in the property to be appraised by them, or the agents of such parties respectively, and also all necessary witnesses, and require the production before them of all deeds and papers requisite to establish the title or interest of any party claiming compensation in manner hereinbefore mentioned, and may examine on oath (to be administered by any one of the arbitrators) all such parties, or their agents, and such witnesses, touching the matters to be inquired into by such arbitrators. In estimating the damage which may be occasioned to any property by the making, altering or widening of any street, cross-street, firebreak, cove, road or lane, the said arbitrators shall take into account any additional value or advantage which may accrue to the several proprietors and occupants from the convenience and security afforded by the making, opening, widening or altering of the said street, cross-street, firebreak, cove, road or lane, and if the arbitrators shall be of opinion that any proprietors of ground so required for the streets, cross-streets, firebreaks, coves, roads or lanes as aforesaid, or any of them, may be indemnified at less expense by having an equal portion assigned to them from any ground adjoining, the said arbitrators shall mark off and in like

manner appraise so much of the said adjoining ground as they may think sufficient to replace the ground required for the said streets, cross-streets, firebreaks, coves, roads or lanes, and the same so marked off shall belong to the first mentioned proprietor and be in lieu of all indemnity, and the appraised value of the same shall be paid and shall be in full satisfaction and discharge of the same, and of all right and title thereto. Provided that if the land so to be given shall not be deemed an equivalent for the land appropriated to the streets, cross-streets, firebreaks, coves or lanes, the said proprietor shall be paid such sum as may, with the land so to be given, be a full satisfaction for the land so appropriated. And the award or decision of a majority of the said arbitrators shall in all cases be final and binding on all parties. The Mayor and arbitrator appointed under this Chapter shall receive as remuneration for their services such sum as may be determined by the Council, which sum shall be added to the amount to be paid for all land taken thereunder.

45. Where by the opening, making, altering or widening of any new street, cross-street, firebreak, cove, road or lane any property adjoining such street, cross-street, firebreak, cove, road or lane so opened, made, altered or widened, shall in the opinion of the Council be improved or rendered more valuable, the Council shall appoint one person, the party interested in the adjoining lands a second, and the Mayor for the time being shall be a third, which three persons shall determine the value of the improvement to such adjoining property by the opening, making, altering or widening of such street, cross-streets, firebreaks, coves, roads or lanes, and the like proceedings shall be taken as set forth in section forty-four of this Chapter, and the award and the orders of the arbitrators shall be of the same force and effect. And the proprietor of such adjoining property shall pay to the Council the amount of the value of the said improvements as determined by the said arbitrators, and such amount, in case of refusal to pay the same, and if the Council shall so order, shall be levied by warrant of distress and the sale of the lands, goods or chattels of such proprietor, and such warrant shall be issued by a Stipendiary Magistrate, upon the production before him of the award of the said arbitrators and the order of the Council.

46. Wherever by the making, altering or widening of any street, cross-street, firebreak, cove, road or lane, any portion of such street, cross-street, firebreak, cove, road or lane, has been or may hereafter be exchanged for other ground, the Council may grant such portion of such street, cross-street, firebreak, cove, road or lane, to the party to whom the same has been, or may be assigned.

47. Where by the alteration of any street, cross-street, fire-break, cove, road or lane any portion of ground not embraced within the new line of such street, cross-street, firebreak, cove, road or lane, shall be adjoining to or extending along the frontage of any proprietor, such portion of the ground shall be set off to, and shall be taken by such adjoining proprietor to the extent of his frontage at a valuation to be ascertained by arbitration as provided in sections forty-four and forty-five of this Chapter.

48. Every party-wall within the limits prescribed for the erection of buildings of stone, brick, or other unflammable materials, shall project above and beyond the roof at least twelve inches; and no wood or inflammable material of any description, except doors, door-frames, window-sashes, window-frames, and roof-boardings, shall be placed within four and a half inches of the outside of the said building; and every chimney shall extend to a height not less than two feet above the ridge-pole.

49. In case of dispute the Council shall, upon the application in writing of any proprietor or tenant of any land within the said town, desirous of building a party-wall, summon before them the tenants or proprietors of the adjoining land, and thereupon, after hearing such parties as shall attend, make order as to the extent which the party-wall between the said parties shall occupy on the ground of each respectively, as to the manner in which the same shall be built, and as to the proportion of the expense thereof to be paid by the said parties respectively.

50. Any person who shall neglect or refuse to comply with any order or direction made by the Council as aforesaid, shall be subject to a fine not exceeding twenty-five dollars; and the proportion of the cost of such wall to be paid as aforesaid may be recovered in an action for work, labor and materials.

51. When any party shall be desirous of building on his own land, and shall, for the purpose of such building, use in any manner a wall already built by another party upon the adjoining land, the Council shall, upon the application of either the party so building, or the party who shall have built as aforesaid, summon the said parties before them, and after hearing such parties as may attend upon such summons, direct that the party building shall have the use of the said wall to the extent required by him upon paying such proportion of the original cost thereof as the Council shall deem just; which proportion may be recovered by the party entitled thereto in manner provided in the foregoing section. The Council

may cause levels to be taken of the several streets, lanes and firebreaks within the said town, by which levels all parties are required to govern themselves. All copings, parapets, cornices or overhanging roofs, blocking courses, piers, columns, pilasters, entablatures, facias, door-facings and window-dressings, balconies, (at least ten feet above the level of the street), or other architectural improvements, may project beyond the general line of fronts in any street, lane or firebreak; provided, that within the limits prescribed for the erection of buildings of stone, brick, or other uninflammable materials, they be wholly composed of such uninflammable materials.

52. The Council shall have power by regulations duly prescribed and promulgated to amend and modify the provisions of that portion of the next preceding section commencing with the words "all copings," and continuing to the end of the section, in such a manner as to permit the use of wood or other material for the purpose of fastening or building in cases in which in the opinion of the Council it may be unnecessary or unduly difficult or costly strictly to enforce the provisions of the said section, and to include in such regulations power to grant or extend a like permission to construct any projections.

53. No person shall build, construct, erect or excavate for or proceed in the commencement or completion of any house, building, fence or other erection, within the lines and boundaries by law defined and prescribed as and for the width of any road, street, cove or firebreak, within the said town.

54. All buildings or erections which shall be erected or constructed and all excavations which shall be made in contravention of this Chapter, or of any order made by the Council in pursuance of the provisions of this Chapter, or which shall be in any manner commenced to be so erected or constructed, shall be public nuisances, and may be abated by any Stipendiary Magistrate for the Central District, who shall, upon complaint of the Mayor or other person, and after hearing the party complained of, or, in default of his appearance, upon being satisfied that such party had been duly summoned for that purpose, or that a summons for such purpose had been left in or upon the house, building, erection, or excavation complained of, make order for the abatement of such nuisance, and shall furnish such assistance of constables and others as may be necessary for that purpose; and the person who has wilfully committed, or shall wilfully commit, or continue any such nuisance, shall, on proof thereof in a summary way before such Stipendiary Magistrate, be convicted and pay for every

such offence a penalty not exceeding twenty-five dollars, to be levied with costs and expenses, including those of the removal of the nuisance, by warrant of distress of such Magistrate, upon the goods and chattels of the defendant. This section shall not apply to buildings of brick or stone erected pursuant to the Act ninth and tenth Vic., Cap. 3.

55. A substantial ladder shall be fixed to the roof of every dwelling-house, and kept in good repair, except where a regular access to the roof from the inside is provided; and such ladder shall be provided by the proprietor of such dwelling house; and every proprietor of a dwelling-house who shall make default herein shall, for every offence, forfeit and pay a fine of two dollars.

56. The Council shall have power from time to time to prescribe rules and regulations requiring the providing and maintenance in and for all factories and other buildings in which a number of persons are employed of sufficient and suitable methods and appliances for escape in case of fire, and also of sufficient and suitable methods and appliances for ventilation.

57. All door and window sills in any house or building which by law hath been or shall be required to be built of unflammable materials, shall be of stone or other unflammable materials; and every person who, since the first day of May, in the year one thousand eight hundred and forty-nine, has used, or caused to be used in any such building, any door or window still other than such as is herein directed, and shall not remove the same after one month's notice in writing from the Council, shall forfeit and pay for every such door or window sill a fine of four dollars, and shall cause every such door or window sill to be removed and replaced with a sill of stone or other unflammable material within such time as shall be prescribed by the Council in any such case for that purpose, under a penalty of ten dollars.

58. The Council may permit the erection of external wooden steps to stores and other buildings where buildings of unflammable materials are required to be erected: Provided such steps are not upon any of the public streets, coves or lanes; and also of railings, entablatures and pilasters, and other erections of the like kind, upon any of the streets and lanes, of such size and dimensions, and on such terms and subject to such regulations as the Council shall prescribe.

59. Section 54 of this Chapter shall not be held to apply to an

iron railing and a stone or brick porch now erected on the west side of Buchanan street, on the old line of road in front of the Methodist Church on said street.

60. The Council shall prescribe and lay out a line of street on the south side of the harbor of St John's to such point as may be determined upon, and shall define the extent, width and boundaries thereof, and shall cause to be made a correct plan of the said line of street, which plan shall be deposited and preserved in the Council's office, and shall, touching all questions of the extent, width and boundaries of such street, be conclusive evidence of the same.

61. The said line of street, when so defined and laid down, shall be subject to the approval of the Council, who may, by public notice, alter the dimensions and boundaries thereof, as from time to time shall be expedient.

62. The said street, when so provided and laid down, shall be a public street, and the provisions of the preceding sections of this Chapter shall extend to the same as to taking land, and the mode of compensation for land taken for public purposes, trespasses, encroachments and legal procedure, the erection and situation of new buildings, notices to the Council, and the jurisdiction of Justices over offences, and in all other respects as if specially set out and incorporated in this Chapter.

63. On the south side of the said street, to be called Harvey Street, South Side, there shall be not less than five firebreaks of at least fifty feet in width respectively.

64. Whenever the repair or reconstruction of any house, building, or other erection within the limits prescribed for any street in the town of St. John's, or of any street prescribed under the authority of this Chapter, shall require an expenditure amounting to forty per cent. of the cost of erecting such house or building of the same character and dimensions anew, but not including in such cost the cost of making or erecting cellars and chimney; or whenever such house or building shall have been, by reason of exterior dilapidation, untenable for a period of twelve months, then the repairing or reconstruction of such house or building shall be deemed to be the construction or erection of a new building within the meaning of this Chapter.

65. Whenever in the opinion of the Council any building situate within the town limits shall be so situated, constructed or used as to en-

danger the destruction by fire of adjoining or neighbouring buildings, the Council may, after reasonable notice to the proprietor thereof, or to his agent, and after a hearing of the matter, order such alteration, disposition, or regulation of such building, or of the use thereof, as may be desirable to prevent such danger, or may, in its discretion, order such building to be removed, in which latter case the compensation, if any, payable to the proprietor or owner of such building shall be determined in the manner provided by section 44 of this Chapter. In case of a refusal by such proprietor or owner to obey such orders, such building shall be a public nuisance, and the like proceedings may be had with regard thereto as are provided with regard to other public nuisances.

66. No land within the city limits shall be set apart for the purpose of a cemetery, and any grant, deed, conveyance or devise of any land within the said limits for such purpose shall be null and void.

SUPPLY OF WATER TO TOWN.

67. Subject and except as by this Chapter provided, the Council shall continue to have, possess, exercise, perform and discharge all, and singular the functions, rights, powers, obligations and duties heretofore vested in or exercised, performed, or discharged by the Directors of the General Water Company in relation to the supply of water to the town, and to the possession, control and management of the works and property in connection therewith.

68. It shall be the duty of the Council to continue efficiently to control and manage the supply of water to the town from Windsor Lake in the streets, and within the limits in, and within which pipes have been already laid, and in such further streets, and within such further limits, in and to which the supply may hereafter be extended and pipes laid, and to erect in such places within the said limits, as the Council may determine, fountains for the supply of water, and to establish hydrants throughout the town, as the Council may think necessary.

69. For the purpose of laying the said pipes and mains through the said streets, or any branch or service pipes, or any future extension of the said water supply, or for the purpose of effecting any examination, alteration, repairs, or otherwise carrying out or maintaining the said water supply and works, it shall be lawful for the Council to dig, break and trench the streets and squares, public places and lands, in and near the town of St. John's as may be necessary, observing all proper precautions for the safety and convenience of the public; and for the purposes of this

section, from time to time, after three days' notice in writing to the owner in that behalf, to be signed by the Mayor or Secretary of the Council, to enter upon, excavate, trench, possess and hold as the property of the Council, the lands of private parties in or near the said town.

70. Should any person whose land shall have been so entered upon, excavated, or taken as aforesaid require compensation for any injury sustained by him by any act of the Council, or their agents or servants, or for any portion of his lands, tenements, or premises appropriated or used by the Council under the foregoing sections, such claim shall be determined by arbitration.

71. The cost of repairs to service pipes shall be borne by the consumer by whom such pipes shall be used.

72. It shall be lawful for the Council, at its cost, with or without the consent of the occupier or proprietor, to introduce branch or service pipes into any building subject to the rate of assessment.

73. Any person authorized by the Council in writing for that purpose shall have free access, between the hours of eleven in the morning and four in the afternoon to all parts of every building in which water is delivered or consumed.

74. Every cistern, or other receptacle for water, and every closet, soil-pan and bath, which shall be supplied with water by the Council, shall be so constructed and used as effectually to prevent the waste, misuse, or undue consumption of water, and the flow or return of foul air, or other noisome or impure matter, into the mains or pipes of the Council, or into any pipes connected or communicating therewith, and the Council shall not be bound to supply water into any cistern, or other receptacle for water, closet, soil-pan, or bath, which shall not be so constructed.

75. If any person shall in any way obtain or use the water of the Council without consent of its proper officers, or shall wrongfully waste the same, such offender shall forfeit a sum not exceeding twenty dollars: Provided that this section shall not extend to parties taking water from the public pumps hereinafter mentioned, nor to any use of the said water, in case of fire occurring in the said town.

76. If any person shall wilfully or maliciously hinder or interrupt, or cause or procure to be hindered or interrupted, the contractors,

servants, agents, or workmen of the Council, in the exercise of any of the powers and authorities within this part of this Chapter authorized and contained, or if any person shall wilfully or maliciously put out of order, injure or destroy any pipe, work or material of the Council, such offender, on conviction in a summary manner before a Justice of the Peace, shall forfeit a sum not exceeding twenty dollars, with costs of suit, and shall pay, upon the order of such Justice, all damage so occasioned by him, and in default of such payment, shall be imprisoned for a period not exceeding three calendar months; and it shall be lawful for any person who may witness the commission of such offence to apprehend without warrant, and for any other person to assist in apprehending, such offender, and to convey him before a Justice, to be dealt with in the manner aforesaid.

77. If any person, supplied with water by the Council, wrongfully does, or causes or permits to be done, anything in contravention of any of the provisions of this Chapter or any regulations made thereunder, or wrongfully fails to do anything which under this Chapter or any such regulations ought to be done for the prevention of waste, misuse, undue consumption, or contamination of the water, the Council may, without prejudice to any other remedy against him in respect thereof, cut off any of the pipes by or through which water is supplied by them to him or for his use, and may cease to supply him with water so long as the cause of injury remains or is not remedied.

78. The Council shall have possession and control of Windsor Lake and the Crown lands adjoining and surrounding said lake to the extent of one half mile from the margin thereof.

79. For the purposes of preventing the pollution of the waters of Windsor Lake and obstructions to the outflow thereof, and the preservation of the water works, the Council shall have power from time to time to make regulations and by-laws prohibiting the making, depositing or keeping of noxious, deleterious or offensive articles or substances on the land near to or adjoining Windsor Lake, or the carrying on of any business or operations likely to occasion the pollution of the waters, obstruction to the flow of water, or injury to the water works, and to fix penalties for the breach of such rules, regulations or by-laws.

80. The Council shall have power, if considered necessary for the purposes mentioned in the preceding section, to appropriate private property to such an extent from the margin of said lake as may be deemed necessary, such land to become Crown property, and to be under the con-

trol and in the possession of the Council: The compensation (if any) to be paid to the proprietors of such land shall be determined by arbitration, as provided for under section 44 of this Chapter.

ROADS, STREETS, BRIDGES, AND HIGHWAYS.

81. Within the town limits, and except as otherwise herein provided, the Council shall continue to have, possess, exercise, perform and discharge all and singular the functions, powers, rights, obligations and duties which have been or are vested in, or exercised, performed or discharged by the Council, or by the Board of Works, in and upon and in relation to—

- (1) The making, constructing, maintaining or improving of roads, streets, bridges, lanes, highways, firebreaks, or thoroughfares;
- (2) The removal of obstructions from the public streets, lanes and thoroughfares, and the prevention and abatement of nuisances;
- (3) The lighting of the town.

82. Except as herein otherwise provided, the Mayor shall, in relation to all the matters enumerated in the foregoing section, and within the said town limits, have, perform, exercise, and discharge all the functions, powers, rights, obligations and duties which are vested in or conferred or imposed upon the Chairman of any local Road Board or the Minister of Public Works, in relation to the same matters within the limits over which they generally have control.

83. Wherever it shall become necessary for the opening, making, or widening, of any road, street or other work, to appropriate any piece or parcel of land, being private property, the Council shall pay out of such moneys as shall be at their disposal for the purpose of making such road, street or other work, a fair and reasonable compensation to every person having any interest in the land so intended to be appropriated, and also shall compensate any person for any damage which may be occasioned to his property by the making, opening or widening of such road, street, or other work; and if the Council and the party so entitled to compensation cannot agree as to the amount to be paid therefor, the same shall be determined by arbitration. Provided that the arbitrators in computing or assessing the amount of such compensation, shall consider and determine whether or not the said widening or improvement has affected the

value of the land or property adjoining the land so taken, belonging to the same owner, and in case it shall be found that such widening or improvement has improved or increased the value of the said adjoining land, the amount of compensation to be awarded for the taking of the said land shall be reduced or abated accordingly.

84. The Council shall have power to make general rules and regulations or to make or issue any orders in any particular case requiring the owner or occupier or tenant of vacant lands adjoining or in close proximity to any public street or thoroughfare to enclose the same or shut out the view thereof from the street or public thoroughfare by a fence of such kind or appearance as will be sufficient and suitable, and to prescribe and impose penalties for the breach or non-observance of such rules and regulations, or in default of compliance therewith to erect the said fence and to recover the cost thereof by action against the owner or occupier of the land.

85. The Council are hereby authorized to grant permission in all cases in which they deem it desirable and proper, to any person, to lay cables and conduit pipes underground through the streets within the town limits, and also for such purpose to dig up such streets and also to erect telegraph and telephone poles and wires on and along such streets, with power to impose any such conditions and restrictions upon such laying and erecting as may be necessary. And further, it shall be lawful for the Council to impose, fix, raise and collect upon and from such persons to whom said permission is granted an annual or special charge or tax for the same. Such charge or tax shall be imposed, fixed or raised, and collected in the same manner as other special and annual taxes or charges under this Chapter.

SEWERAGE OF THE TOWN AND SANITARY REGULATIONS.

86. Within the city limits, and subject and except as herein provided, the Council shall continue to have, possess, exercise, perform and discharge all and singular the functions, powers, rights, obligations and duties which under any Act or law have been or are vested in or exercised, or performed or discharged by the Council, the General Water Company, or the directors thereof, or the Board of Works, in, upon and in relation to—

- (1) The sewerage of the town; the constructing, maintaining, repairing, opening or altering of sewers, drains, gratings; the devising or carrying out of any plan or scheme of sewerage

for the town, and control, management and direction of all works in connection therewith;

- (2) Cleansing of the town, and all matters pertaining to the sanitary condition thereof.

87. It shall from time to time and at all times be lawful for the Council to open and construct throughout the said town, and the several lanes, places and streets thereof, such and so many drains and sewers as may be necessary for the efficient drainage and sewerage of the same.

88. Whenever the Council shall decide upon the opening or construction of a main sewer along or through a street abutting upon or in the vicinity of land which is suitable for building purposes, but upon which no buildings have been erected, and it shall appear that the said main sewer about to be constructed is or will be available for connection with buildings hereafter to be erected upon said land so that the value of the said land will be thereby improved, the Council shall have power to levy and impose upon the said land or any portion thereof from time to time a tax or assessment at such a rate either per foot of frontage upon the said road or street or otherwise, as the Council shall determine, and to apply the money raised by and under the said tax or assessment to or towards the cost of the opening or construction of the said proposed sewer or sewerage. The said tax or assessment shall be a charge upon the said land or such portion thereof as shall be defined by the Council as subject thereto, and shall be recovered from the owner or lessee, as the case may be, in the same manner as provided in and by this Chapter in respect of the recovery of taxes, rates and assessments.

89. It shall not be lawful for any person to build or erect or finish, within the limits of the town, any house or building designed for a dwelling-house unless such person shall, during the building or erection or finishing, of such house or building, or immediately thereafter, and before it shall be used as a dwelling-house, make or construct one or more sufficient pipe-drains or sewers of imperishable materials, and of a size to be specified by the city engineer, leading from such house or building, or from any yard (if any) belonging to the same, to and into some public drain or sewer within the said town: Provided there be such a drain or sewer within fifty feet of such building.

90. Should any person build or erect or finish any house or building, designed for a dwelling house and within the limits aforesaid, without making and constructing, within the time aforesaid, one or more drains

or sewers leading and constructed as aforesaid, such person shall be subject to a penalty not exceeding twenty-five dollars; and it shall be lawful for the Council after ten days' notice in writing to such offender, to enter into and upon the said house, building or yard, as the case may be, and thereto make or construct one or more sufficient drains or sewers leading as aforesaid, and the cost of such drains or sewers shall be paid by such offender.

91. Such penalty as aforesaid, and the cost of such drains or sewers when made or constructed by the Council, shall be recovered by an action or actions at the suit of the Mayor for the time being before the Central District Court, and shall with costs be levied upon the offender's property by warrant of distress.

92. Every proprietor of every such house or building as aforesaid, who shall himself make and construct any such drain or sewer aforesaid, shall, before proceeding with the same, give two days' notice to the Council of his intention in that behalf; and such construction shall be subject to the supervision and control of the Council, in order that it may be effectual for the purpose for which it is designed, and may not in any way damage or interfere with the construction or flow of main drains.

93. Every house within the town of St. John's situated within fifty feet of the public drain or sewer shall be connected with the general water and sewerage system, and in or appurtenant to every such house there shall be constructed and maintained one or more proper and sufficient water closets as shall be determined by the Council, subject to the approval of the City Engineer, who will decide as to the efficiency of the same.

- (1) When it shall be brought to the knowledge of the City Engineer that any such house as aforesaid is not connected with the water and sewerage system or is not supplied with such closet or closets as hereinbefore provided, he shall serve or cause to be served upon the owner of such house a notice in writing requesting the making of connection with the said water or sewerage system and the construction of sufficient closet or closets within three months from the service of said notice, and if at the expiration of such time the said connection shall not have been made and the said closet or closets not have been constructed:

- (a) The owner shall be liable to a fine of five dollars (\$5.00)

per day for every day during which the said closet has not been constructed, to be recovered by prosecution before a Stipendiary Magistrate at the suit of the Mayor; or

- (b) If it shall be proven to the satisfaction of the Council that the owner of the said house is unable to pay the cost of the sanitary improvements required it shall be lawful for the Council to connect the said house with the general water and sewerage system by constructing, laying and introducing such branch pipes with taps and other appliances as may be necessary for introducing the water from the Council's main drain or sewer; and to construct upon the said premises or within the grounds thereof such sufficient troughs or sinks in such manner and in such places as to the Council shall seem most desirable, and the cost of such connection and construction shall be repaid to the Council in the manner hereinafter provided.
- (c) Provided that this section shall not apply to houses which in the opinion of the City Engineer, by reason of insufficiency of structure or decay, are unsuitable for the installation of such water closet and water and sewerage connections aforesaid.
- (2) The Council shall insure against loss or damage by fire such closets and fittings to the full value of the same until the amount expended has been paid.
- (3) For the purpose of providing for the repayment of such amounts as may be expended in the making of water and sewerage connection, and construction of closets as hereinbefore provided, the Council may assess upon the lands and houses in which the said closets have been constructed and the owner thereof annually, for a period not exceeding twenty years, from the date of the completion of such works, a sum sufficient to pay interest at a rate to be decided by the Council, the fire insurance premiums, and to provide a sinking fund which will liquidate the cost of the said closets and connections with the sewer, in the said period of twenty years, or in such lesser period as may be agreed upon.
- (4) The cost of connection and construction for the purposes of this

section shall be fixed by the Council and shall be final in any case, matter or claim which may arise hereunder

- (5) The assessment herein provided shall be imposed, levied, collected and recovered upon and from the owner in the same manner as taxes and assessments are collected under the authority of this Chapter
- (6) Whenever the owner or proprietor of immovable property, holding the same under lease of the land, is assessed for—
 - (a) The cost of local improvements;
 - (b) The installation of sanitary improvements under any order of the Council,

he shall be entitled to recover from the ground landlord, at the termination of his lease, the value of such improvements, the amount of which shall be determined by arbitration in the manner provided by this Chapter.

- (7) The owner of any house who makes any of the improvements mentioned in sub-section (6) hereof, may immediately upon the completion of such improvements, increase the rent of such house by an amount not greater than six per cent. of the cost of such improvements, and any tenant of such house for the time being under lease or otherwise shall be liable for such increased rent from the date of such completion.
- (8) For the purposes of this section:
 - (a) When the land is not let on a building lease, the owner of the freehold;
 - (b) When the land is let on a building lease, the lessee under such lease or the purchaser from such lessee, including in the term purchaser a sub-tenant for the whole or substantially the whole term thereof, but not a mortgagee; shall be deemed to be the owner of the house.

94. The engineer, foreman, or other servants or agents of the Council duly authorized thereto in writing by the Council, may enter upon any Crown lands, or upon the lands of any corporation or person, and into all houses, buildings, tenements and erections upon such lands, when-

ever it may become necessary for the purpose of making surveys or examinations, or of obtaining necessary information relative to the construction, alteration, repairing, maintenance or inspection of sewerage, drainage, or any other works of which, under this Chapter, the Council may be empowered to undertake or assume control for the purpose of carrying into effect the provisions of the same.

95. The Council, their engineers, officers, and foremen, servants and laborers, shall have the right to enter upon any Crown lands, or upon the lands of any corporation or persons whatsoever, and into all houses, buildings, tenements, and erections thereon, whenever it may become necessary for the purpose of carrying into effect the work and system of sewerage, drainage and cleansing, hereinbefore authorized, or for the making, constructing or laying down of private drains or sewers to connect with the main sewers or general system of drainage, and to break up, dig, excavate and open so much and so many of the public streets or thoroughfares, or private property or other places, as may be necessary for fully and efficiently carrying into effect the said work and system, and to pass and repass into, over and upon such streets, thoroughfares, lands, tenements, buildings and premises, and to convey material over, through or upon the same, and to make, construct and lay down pipes, drains, gratings, or other necessary works, in and upon the same, and from time to time to remove, alter or change the same.

96. The Council may enter upon Crown lands, or the lands of any corporation or person, for the purposes of necessary rights of way across, over and under such lands, and may enter upon, take and hold any of the said lands, whenever the same shall be required for the purpose of constructing, altering, repairing, maintaining or inspecting any sewer, drain, street, building, or work of any kind that may be undertaken by the Council, or that may become the property of the Council, or that may be or become subject to the Council.

97. In any contract hereafter made for letting for habitation a house or part thereof within the municipal limits of St. John's, there shall be implied a condition that the house or part thereof is at the commencement of the holding in all respects reasonably fit for human habitation, and that the house or part thereof shall, during the holding, be kept by the owner or lessee in all respects reasonably fit for human habitation.

98. The Council shall have power to direct the Municipal Supervisor or any other official or person on behalf of the Council to enter into

and inspect every part of any house or building used as a dwelling for the purpose of ascertaining its condition as regards fitness for habitation. In case upon such inspection and report thereon the Council shall be of opinion that by reason of weak and insufficient structure, age, decay, damage, want of repair, insufficient ventilation or light, bad or insufficient drainage or the existence of insanitary conditions in or in the vicinity of such house or building, or if for any other reason the Council are of opinion that it is not desirable in the interest of the public health and safety that such house or building should be restored or repaired or continued to be used or occupied as a dwelling house, the Council shall have power to declare the said house or building a nuisance, and to direct that it be destroyed or removed, and if not destroyed or removed in obedience to such direction, to destroy or remove the same and collect the cost of destruction or removal as a debt due by the owner of such house to the Council.

99. The Council shall have power to make general rules and regulations providing for the cleansing, ventilation, lighting and putting and keeping in wholesome sanitary condition of dwelling houses and appurtenances and to impose the duty of carrying such rules and regulations into effect upon either the owner, lessee or occupier of such dwelling houses and appurtenances, and to impose a fine or penalty not exceeding five dollars per day for every day during which such rules and regulations are not observed or complied with; and the Municipal Supervisor, inspector or other officer or person appointed by the Council for that purpose shall at all times have the right to enter and inspect all dwelling houses to which such rules and regulations apply, in order to discover whether such rules and regulations have been observed and carried out, and, if not, in what respect and to what extent.

100. All natural streams and water-courses flowing through the city within the city limits shall be under the control and at the disposal of the Council in such manner and for such purposes as the Council may from time to time determine. The Council shall have the power to alter or divert any natural water-course within the limits of the town of St. John's after having given three months notice in writing to the owners, lessees, or occupiers of land bordering on such water-course, of their intention of making such alteration for the improvement of such water-course, or of the sewerage of the town, and may remove impure or offensive soil therefrom, lay pipes, construct drains, grade surrounding land, change the direction of, or fill up the said water-course, as may be deemed by the Council necessary or expedient; and the Council shall have power to enter upon such lands, and to dig and excavate upon such lands,

and to go under all buildings that may be erected thereon and may require the owner or occupier of all buildings and erections upon the said lands to make alterations in the walls, cellars, and other portions of the said buildings and erections, as may be necessary for the purposes of this Chapter; provided that this section shall not be held to take away or to authorize the interference with private rights to or in respect of any such stream or water-course.

101. All claims for damages that may be occasioned to any person whose interest may be in any way injuriously affected by the taking of lands or tenements, or of any water-course, or by the diversion of any water-course, or by the removal or alteration of any house or other building, or by the taking of any right of way over, under or through any land, or by digging or excavating upon any land, or any damage of any kind that may be occasioned to any interested person by reason of the provisions of this Chapter, shall be determined and assessed by arbitration.

102. It shall be lawful for the Council to appoint an officer to be called the "Municipal Supervisor of the Town of St John's," whose duty it shall be to oversee the carrying out of the provisions of this part of this Chapter, and all laws now or hereafter to be made having reference to the sanitary condition of St John's, or the abatement of nuisances therein.

103. The Council may appoint officers to be termed "Municipal Inspectors," whose duties it shall be to assist the Municipal Supervisor in the discharge of his duties, to obey his lawful orders, and generally to carry out all laws and regulations having reference to the sanitary condition of St. John's, or the abatement of nuisances therein.

104. The Municipal Supervisor, or under his written authority, any inspector appointed by virtue of this Chapter, may at any hour of the day between ten a.m. and four p.m. enter any house or tenement where such supervisor may have reason to suspect the existence of any nuisance, or that any breach of this Chapter or of the regulations of the Council made hereunder, has taken place; and such supervisor may thereupon make such orders and directions as may seem expedient for the abatement of any nuisance in such house or tenement existing, or for the more effectually carrying out the purposes of this Chapter, and all regulations as afore-said made hereunder.

105. Any person obstructing or in any wise interfering with the supervisor or any inspector in the discharge of his duty under this part of this Chapter, or any person refusing or neglecting to comply with the lawful and reasonable orders and directions of such supervisor or in-

spector, shall be liable to a penalty not exceeding forty dollars, and in default of payment of such penalty shall be liable to imprisonment for any period not exceeding one month.

106. The Council shall have power to make rules and regulations requiring the owner or occupier of every house, factory or other building in which any number of operatives are employed to furnish such house, factory or other building with sufficient lavatory, water closet or other such accommodation for sanitary purposes; and also where persons of both sexes are employed, or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

107. In order more accurately to define the duties of the said Municipal Supervisor, it is hereby declared that his functions shall extend within the town of St. John's. to the abatement of all nuisances at common law, having reference not only to sanitary matters, but also to the obstruction of highways, public rights of way, and violations of the statute law in reference to the construction of buildings and erections in the town of St. John's.

108. The Council shall have power to establish and maintain public baths within or without the city limits as they may deem necessary, and to make, prescribe and enforce such rules and regulations, and to fix, collect and receive such charges for the maintenance of same as may be necessary.

109. The Council shall have power to devote such portion of its revenues as may be deemed necessary to the purpose of making an examination and inspection of water powers in this Colony.

110. The Council may appoint one or more person or persons, to be known as impounders, whose duty it shall be to seize and impound any horses, oxen, goats, swine, or other domestic animals which may be found straying or at large within the town of St. John's. It shall always be the duty of such impounder to seize and impound or destroy all dogs unlawfully at large without the owner or other person in charge thereof.

111. No female dog, whether licensed or otherwise, shall be permitted to be at large within the town of St. John's without her owner or other person in charge thereof, under a penalty to be recovered against the owner thereof, not exceeding the sum of five dollars. Should it be impossible to discover the owner thereof, or should such owner neglect or refuse

to pay such fine, it shall be the duty of the impounder to destroy such dog found as aforesaid.

112. In any case where, under this part of this Chapter, no specific penalty is affixed to any offence, the offender shall be liable to a penalty not exceeding fifty dollars.

113. Penalties incurred under this part of this Chapter shall be held to be cumulative upon any other penalties recoverable, or other remedies available, under any existing law.

PARKS.

114. All that parcel of land, containing about twelve acres, shewn and described in a plan thereof deposited in the office of the Minister of Agriculture and Mines and situate in the rear of the town of St. John's, bounded south by the Military Road, three hundred and sixty-one feet, more or less, and by the grounds of the Colonial Building, one hundred and ninety feet more or less; east by the said grounds of the Colonial Building, three hundred and seven feet, more or less, and by Bannerman Road, seven hundred and thirteen feet, more or less; north, by the Circular Road, four hundred and fifty-eight feet, more or less; and west by the property of Calver and others, thirteen hundred and two feet, more or less, and all such adjoining lands as may at any time be procured by the Government or the Council for that purpose, shall be vested in His Majesty, and set apart, dedicated and appropriated for the sole use and purpose of a public park for the use and accommodation of the inhabitants of St. John's, and all others resorting to the said town.

115. The said park shall continue to be named and known as Bannerman Park, and shall be under the control and supervision of the Council, in whose possession the same shall be held to be.

116. In consideration of that lot of land, the private property of the Governor, and situate on the south side of the Circular Road aforesaid, and containing about ten acres, having been added to the said park lands, there shall be paid to the Governor, on the first day of January in each year, the sum of eighty dollars, as the estimated annual value of the same; such annual payments to be a charge on the rents of Crown lands hereinafter vested in the Council.

117. That piece or parcel of land situate in the west end of the town, upon which stood the building of the old hospital, which land was held under a grant from the Crown, dated the thirty-first day of Decem-

ber, A.D., 1831, issued under the authority of the Act 6th, Wm. IV., Cap. 5, to certain trustees for the purpose of a hospital and grounds, shall continue to be applied and appropriated for the purpose of a park or place of recreation for the public, to be called Victoria Park, and shall be held by the Council for the said uses and purposes.

118. It shall be lawful for the Council to accept and to hold for the uses of the inhabitants of the town of St. John's and of all others residing in the neighborhood or resorting to the said town, all the piece or parcel of land known as Rae Island Farm, and situate near Waterford Bridge. The said land shall be set apart and dedicated and appropriated for the sole use and purpose of a public park. The Council is hereby declared to be a corporate body for taking, holding and disposing of the said land for the purposes herein defined and for instituting, defending and maintaining proceedings relating thereto.

119. The said park shall be known as Bowring Park, and shall be under the control and management of the Council.

120. The Council may make rules for the regulation, use and management of the said parks, for the preservation of the fences and other public property appertaining to the same, and for the maintenance of order and propriety therein; and such rules shall be published by being printed and hung up in the said parks, and a violation of any such rules or orders shall subject the offender to expulsion and removal from the said park by the Council, or anyone acting under their authority, or by a peace officer, and to a fine not exceeding five dollars, in addition to the cost of repairing any damage or injury caused to the said park, or to the fences or other public property appertaining to the park, by such offender, to be recovered, with costs, in a summary manner before a Stipendiary Justice, by a suit to be brought in the name of the Mayor, and every such offender who shall not, upon adjudication, pay such fine, may be imprisoned for any term not exceeding fourteen days.

121. That piece of land situate on the north side of the town of St. John's, and commonly known as the Parade Ground, shall remain vested in His Majesty for Imperial purposes, but, subject to such ownership and the right of re-entry thereupon without notice, the said lands shall be under the control and management of the Council, who may make rules, regulations and bye-laws respecting the use and management of the

same, subject to the approval of the Governor in Council, but the said Council shall not have the power to lease the said land.

122. All that piece or parcel of land situate in the West end of the Town of St. John's, and commonly known as the Municipal Basin, and bounded as follows: On the North by Water Street and by the land of one Radford and others; on the East by the waters of the Harbor; on the South by the St. John's Graving Dock; and on the West by Job's Bridge, shall be under the control and supervision of the Council. The Council may make rules, regulations and bye-laws for the use and management of the said Municipal Basin, and fix rates for wharfage and storage thereon.

TAXES AND SOURCES OF INCOME.

123. The several rates, assessments, taxes, imposts, duties, rents, appropriations and other sources of income which at the time of the passing of this Chapter are, or shall be in force and payable to the Council, or from which the funds and income of the Council are derived, shall continue to be in force and to be levied, collected and recovered, unless and until the same are, or shall be repealed, altered or otherwise affected by or under the operation of the provisions of this Chapter.

124. For the purpose of providing funds to meet the annual expenditure necessary for carrying into effect the provisions of this Chapter, the Council shall have the power to levy, raise, collect and receive the several rates, assessments, taxes, rents, fees, appropriations and other moneys hereinafter provided.

125. There shall be paid by the owners and occupants respectively, of all houses and other buildings, along which the pipes of the Council shall or may have been laid, and within three hundred yards of such pipes, certain annual rates and assessments of so much per cent. to be fixed, established, and imposed by the authority hereinafter mentioned, upon—first, the annual ground rents of all houses and other buildings aforesaid erected on ground leases, to be paid by the owners of the said rents, except as provided by section 153; secondly, in the case of buildings subject to ground rent, upon the annual rent value of such houses and other buildings, less the ground rent payable thereon, to be paid by the tenant-owners of the house and other buildings and termed “lessee's tax”; thirdly, on freehold houses or other buildings built on land the property of the owners of the houses or other buildings, in which case the rent value of

the land shall be included in and with the rent of the house or other buildings, to be paid by the owners of the property, and be termed the "freehold tax"; fourthly, the "occupier's tax," to be charged upon the annual rent value of all such houses and buildings into or along which pipes shall have been laid, and which shall be of the annual value of forty dollars, to be paid by the occupants of such houses and buildings respectively, whether using water or not: Provided that the payment of either of the said rates or assessments, shall not exempt the party so paying from liability from one or both of the said other rates or assessments, if in other respects liable for the same. The taxes and assessments provided for by this section may be and are hereinafter called and described as water rates, taxes or assessments.

126. In any case in which it shall be shown to the satisfaction of the Council that the owner or lessee of any vacant lands along or near to which water or sewerage pipes have been laid has been offered or can obtain fair market value or rental for the said land and refuses to sell or lease or otherwise dispose thereof for building purposes, it shall be lawful for the Council to fix, impose and apply, collect and recover to and upon the said land and the interest of the owner and lessee therein and the owner and lessee thereof, any and such rates, taxes, and assessments as would be assessed, imposed or paid, or as the owner or lessee would be liable or subject to pay upon or in respect of such lands, if the same were built upon or sold, held or let for building purposes.

127. For the purpose of providing a basis and means by which to fix, establish and impose such rates and assessments, it shall be lawful for the Council to appoint one or more appraisers, who shall be sworn before a Justice of the Peace, faithfully to discharge the duties of their office; and a collector who shall give sufficient security to the like effect; and such appraisers shall appraise, determine and return, before the first day of October in every third year, the amounts and values of all such houses or buildings, into or along which pipes shall have been laid as aforesaid, and the annual rent value of all houses or buildings, into or along which pipes shall have been laid as aforesaid, and they shall deposit the books of such appraisement when complete with the Secretary of the Municipal Council. The books of appraisement shall be open to the inspection of the public at the Council's offices during the month of November following, and notice shall be given to all persons whose appraisement exceeds the next preceding appraisement by ten per cent.

128. Such books shall be open to the examination of all persons

desirous of inspecting the same; and any such persons may, within one month after such deposit, by a notice in writing to be filed with the Secretary of the Council and served upon the appraisers, object to any appraisement therein, in which they may expect to be interested; but the neglect to file such notice shall not debar any one from the right of objecting at the Court of Revision hereinafter provided.

129. Upon the expiration of one calendar month after such books shall have been deposited, the Governor in Council shall appoint one or more qualified persons to be a Court of Revision, which court shall for one calendar month then next following, at such hours as they may notify by advertisement in the *Royal Gazette* and two other newspapers, hold a court for the revision of such appraisement, and shall hear and determine all objections as aforesaid, and amend or confirm such appraisement accordingly; and after the expiration of the period fixed for holding such court, the said appraisement shall for the purposes thereof, except as hereinafter provided as to appeal, be final and binding upon all persons whomsoever for the three years next following the making and revision thereof.

130. Any party who may feel aggrieved by the decision of the said Court in respect of any such appraisement, shall have the right to appeal therefrom to the Supreme Court or a judge thereof, upon giving notice within four days after such decision of his intention to appeal, and upon paying into Court such a sum as may be sufficient to defray the costs of such appeal, and upon making and filing an affidavit setting forth the grounds of his appeal.

131. The triennial periods of appraisement provided for by section 127 of this Chapter, shall be computed from the month of October in the year 1915.

132. It shall be lawful for the Council from time to time, as they may find necessary, to fix, establish and impose annual rates and assessments of so much per cent. upon all such rents, interests and rent-values aforesaid, to be paid by the parties hereinbefore made liable in that behalf, and in addition to any general rates and assessments; but, subject as aforesaid, to fix, establish and impose further additional rates upon such occupants as aforesaid, where an unusual quantity of water may be taken by them for trading, manufacturing, or other special purposes.

133. The Council shall have power to impose and collect a charge or tax for the use of large quantities of water in sprinkling lawns or

grounds by means of lawn sprinkling machines and appliances other than ordinary hose worked by hand, such charges to be fixed and determined, and payment to be enforced by such rules, regulations, fines, penalties and methods as may be prescribed by the Council.

134. For the purposes of this Chapter, the introduction of one service pipe from the Council's mains into any one building, or two or more buildings held in one and the same occupancy, and whether one or more of such buildings shall be joined or disconnected (provided no holding of a second occupant intervene between such disconnected buildings), shall be sufficient to render the occupier liable for the occupier's rate upon all such buildings.

135. Government buildings, churches, public school houses and buildings belonging to charitable bodies shall not be subject to any rate or assessment whatsoever, but Government buildings shall pay such reasonable sum for protection and water as the Council may determine.

136. Property under mortgage shall be appraised as if such property were unencumbered, and the assessment thereon shall be paid by the mortgagor.

137. In any case in which the mortgagee or his agent shall be in possession of the property or the rents and profits thereof, the Council shall have the right to sue for and recover the assessment from the mortgagee, who shall have the right to claim over for the amount paid by him against the mortgagor, and with the like remedies as provided by the mortgage in respect of interest.

138. In estimating the rent value of any houses or buildings, the situation and other conditions thereof, as for example the fact of house or building being waterside or eligible as a place of business, and such like and also the quantity and value of trade stock from time to time contained therein, and protected by the water, shall be taken into account by the appraiser.

139. It shall be lawful for the Municipal Council in the interval between the said triennial appraisements to cause special appraisements to be made of the annual value of any house or building then newly erected or constructed or then recently supplied with service pipes, or when the necessity for such special appraisal has then recently arisen by reason of expiry of lease or otherwise. In every case notice of such special ap-

praisement shall be given to the parties whose rent, interest or value has been appraised, or if absent from the Colony, their resident agents: Provided that if any party shall feel himself aggrieved with the finding of the Municipal Council in such special appraisal he may, by giving notice within one week from the date of his having had notice in writing served on him of such finding, appeal to the next Court of Revision provided under this Chapter, and such amount as may be then appraised by the said Court as reasonable, shall be paid by the said party and the liability for same shall relate back to the date on which the said special appraisal was made and fixed by the said Council.

140. In any case in which, under any triennial or special appraisal, the rent or rent-value of any building shall have been appraised, upon which building at the time of which appraisal the occupier's rate or assessment shall not be payable by reason of no service pipe having been supplied to the building, or for any other cause, and thereafter at any time, by the supply of such service pipe or otherwise, the said building shall become liable to the occupier's rate or assessment, the rent or rent-value fixed or appraised in respect of the landlord's and owner's interest shall be held to be the rent or rent-value for the purposes of the occupier's rate or assessment, and the said rate or assessment shall thereupon come into force and take effect in the same manner as if the occupier's rent or rent-value had been fixed and appraised in the ordinary manner provided by the one hundred and twenty-seventh section.

141. In addition to the water rates and assessments provided by the foregoing sections, it shall be competent for the Council to fix and impose a tax, rate, or assessment, which may be called and described as a sewerage rate or tax, to be levied and imposed upon and paid by the same parties and in respect of the same properties and interests therein as are and shall be respectively liable to the said water rates and assessments. The said sewerage rate or tax may be either at a specific annual rate or assessment of so much per cent. upon the annual rents, interests, and rent-values of the properties assessed, or by way of a proportionate addition to the water rates and assessments.

142. There shall be paid by the owners of all land upon which no buildings or erections are constructed, along which land the pipes of the Council and sewerage pipes shall or may have been laid, within three hundred yards of such pipes, and within the limits of the town (except such land be used for agricultural purposes or appurtenant to a messuage or dwelling house), certain annual rates and assessments of so much per

cent., to be fixed, established, and imposed by the authority hereinafter mentioned, to be paid by the owners of such land; and the said rate and assessment may be called and described as the vacant land tax or rate.

143. For the purpose of providing a basis and means by which to fix, establish and impose such rates and assessments, the appraisers appointed to determine the value of houses and buildings for purposes of assessment under this Chapter shall appraise, determine and return, before the first day of October in every third year, the annual rent-value of freehold or leasehold interests of the proprietors of such lands in the last section mentioned, and such appraisement shall be entered in the books of appraisements, and the same deposited when complete with the Clerk of the Peace for the Central District.

144. Such proceedings as to the examination of said books, as to notice of objection, and as to Courts of Revision as are provided by the 127th, 128th, 129th and 130th sections of this Chapter, shall be had and apply with regard to appraisements made under the two preceding sections.

145. It shall be lawful for the Council from time to time, as they may find necessary, to fix, establish and impose annual rates and assessments of so much per cent. upon the annual rent-value of the freehold or leasehold interest of proprietors of said land as aforesaid, to be paid by the parties hereinbefore made liable in that behalf; provided that the Council may remit the rates and assessments imposed upon the owners of land by virtue of this section, from the time when such land so theretofore subject to such rates and assessments shall be built upon, or otherwise become used, or be made appurtenant to a messuage or dwelling-house, in accordance with the exception contained in section one hundred and forty-two of this Chapter: Provided that from the date of such remission, the said lands and buildings thereon shall be subject to appraisement and assessment for water and sewerage rates.

146. The Council may alter and change the rates and assessments imposed under the one hundred and forty-fifth section of this Chapter, from time to time, as may be deemed expedient.

147. No land shall be deemed to come under the exception referred to, in the one hundred and forty-second section of this Chapter, unless, in addition to the other provisions therein mentioned the said land shall be secured and substantially fenced; nor, if there shall be a cellar or excavation on the said land near to or adjoining any street or lane, unless a good substantial retaining wall be erected so as to prevent any

possible breaking in of such street or lane by reason of such cellar or excavation.

148. It shall be competent for the Council from time to time to fix and impose a rate or assessment (to be called a property tax or rate), upon any lands or buildings, or the owners or occupiers thereof, within the limits of the town not subject to water, sewerage, or vacant land taxes or rates under this Chapter. Such rate or assessment shall be at the rate of so much per cent. as the Council may determine, upon the rents upon which water rates would be assessed under section one hundred and twenty-five, if the property were within the limits therein specified.

149. For the purposes of such property tax or rate it shall be competent for the Council to cause appraisements to be made of all the property liable to such rate or assessment, which appraisements shall be made at the same triennial periods and by the same appraisers, and subject to the same provisions in relation to revision and confirmation as hereinbefore provided in relation to water and sewerage rates. A special appraisalment may be made at any time before the time appointed for the next triennial appraisalment, and thereafter at any other time, which special appraisalment shall be in force until the next ensuing triennial general appraisalment and the rates and assessments thereunder shall take effect in like manner and subject to the like conditions as are provided in relation to special appraisements for water rates under section one hundred and thirty-nine.

150. All water rates, sewerage rates, vacant land taxes, and property taxes under this Chapter, shall be payable half-yearly in advance, and shall become due on the first days of January and July in every year.

151. All water rates, sewerage rates, vacant land taxes and property taxes under this Chapter, shall bear interest at the rate of six per centum per annum, which shall begin to run one year after such taxes shall have become due and may be recovered in the same manner and be subject to all provisions as to preferential rights and otherwise in this Chapter relating to rates and assessments.

152. All rates and assessments imposed under the foregoing provisions of this Chapter upon others than tenants or occupiers of houses shall be a preferential charge upon the property by reason whereof such rates and assessments are imposed, and shall be recoverable by sale of such property under execution in action at the suit of the Mayor, against the owner for the time being.

153. All assessments upon ground rents under this Chapter shall be held to be landlords' taxes, and shall be paid by the ground landlord, any provision in any future contract to the contrary notwithstanding, except in the case of leases of seventy-five years and upwards, or leases renewable or renewed without increased rent for periods covering seventy-five years from the commencement of said term.

154. For greater facility in the imposition and collection of rates and assessments and in the transaction of the affairs of the Council, it shall be lawful for the Council to number and mark the houses and buildings within the limits of the town; and everyone convicted of altering or defacing any such numbers without lawful authority shall be subject to imprisonment for a term not exceeding one week, or to a fine not exceeding five dollars.

155. The following rates shall be paid by all vessels entering and clearing at the Custom House at the port of Saint John's, and the proceeds paid over without any deduction to the Council, namely:

- (1) By all vessels entering or clearing at the Custom House, upon or from foreign voyages, a rate of five cents per ton on their register tonnage, to be paid at the time of such entry or clearance.
- (2) By all vessels clearing at the Custom House for the sealing voyage, a rate of five cents per ton on their register tonnage, to be paid at the time of such clearance.
- (3) By all vessels engaged in coasting voyages or voyages to the Labrador and owned by persons resident in St. John's, a rate of five cents per ton on their registered tonnage, to be paid at their first entry or clearance at the Custom House in each year.

156. Such rates shall be paid at the times aforesaid by the masters or owners of such vessels, and shall be collected and recovered in the same manner and by the like means as light dues are now collected and recovered in the said port: Provided that such vessels shall not be compelled to pay rates oftener than once in any one year, nor to a greater amount, whatever their tonnage may be, than twenty dollars.

157. In consideration of the payment of such rates, every vessel paying the same shall be entitled to receive from the hose of the Council at any wharf, within reach from a hydrant, at which such vessel may lie,

a full supply of water upon each occasion of such payment without further charge; and the master shall also be at liberty upon all other occasions to take water from any of the public fountains.

158. There shall be annually paid by the Minister of Finance and Customs, from the funds of the Colony, to the Council:

- (1) The amount of duties collected upon all coals imported into St. John's, and the water rates upon shipping hereinbefore provided;
- (2) All rents from Crown property within the limits of the town;
- (3) Such sum as shall be appropriated annually by the Legislature out of the local appropriations for roads, streets and bridges in the electoral districts of St. John's East and St. John's West, respectively;
- (4) The sum of eight thousand dollars from the general revenue of the Colony, towards the lighting and sanitary improvement of the town.

159. The Council shall have power, from time to time, to fix, impose, raise and collect the following rates, and imposts, namely:

- (1) An annual tax upon horses kept or used within the limits of the town for hire or private use;
- (2) An annual or special tax upon carriages, waggons, cabs, carts, sleighs, slides, catamarans, or other vehicles drawn by horses, mules, or donkeys, within the limits of the town, for hire or private use: Provided, that such tax upon any such vehicle for private use shall not entitle any person to ply the same for hire; but, to ply such vehicle for hire, the owner shall be required to pay the tax payable for vehicles when plying solely for hire;
- (3) An annual tax not exceeding fifty dollars on all peddlers and hawkers, and other such persons vending goods other than the produce of the Colony within the limits of the town, either as principals or as agents, or the servants of some other person; in the event of any peddler or hawker vending or offering for sale any such goods without having paid said tax, he shall be liable to a penalty not exceeding one hundred dollars, or, in default, to imprisonment not exceeding three months;

- (4) An annual tax not exceeding one hundred dollars on every fire insurance company doing business or taking risks in the town of St. John's.
- (5) An annual tax not exceeding one hundred dollars on every marine insurance company doing business or taking risks in the town.
- (6) An annual tax not exceeding one hundred dollars on every life, accident or guarantee insurance company doing business or taking risks in the town. (When any insurance company continues or carries on two or more branches or kinds of insurance, one tax only shall be levied upon such company, that is to say, a tax the rate of which is the highest on the said branches or kinds of insurance respectively.)
- (7) An annual tax of seven hundred and fifty dollars on every bank doing business in the town with a paid up capital of four million dollars or less, and of one thousand five hundred dollars on all banks with a paid up capital of more than four million dollars and less than ten million dollars, and on all banks with a paid up capital of more than ten million dollars an annual tax of two thousand dollars:
- (8) An annual tax not to exceed four hundred dollars upon every gas company doing business in the town of St. John's.
- (9) An annual tax upon every electric, telegraph, telephone, or electric light company, doing business in the town of St. John's, the maximum of which is fixed at four hundred dollars;
- (10) An annual tax not exceeding fifty dollars upon auctioneers transacting business within the city limits.
- (11) An annual tax or fee not exceeding ten dollars upon every billiard table, sippio board, or bagatelle board, or other table or board necessary to any game of chance, and used within the limits of the town, and for the use of which a charge or rate is paid to the proprietor, or the club or association by which the same is kept.
- (12) A tax or rate not exceeding one cent per ton upon every steamship, or steam-boat, or steam-tug, entering the port of St. John's, to be paid by the master or owner of such steamship not oftener than once in one year, the year to be computed from the first day of January.

- (13) An annual tax of fifty dollars on all commercial travellers doing business in the town;
- (14) An annual tax not exceeding five hundred dollars on all persons, either as principals or agents, doing business in the town as stock brokers on margins;
- (15) An annual tax of one hundred dollars on all loan and investment companies doing business in the town.
- (16) An annual tax or charge upon all money lenders doing business within the Municipal limits. Also, upon all persons, companies or corporations carrying on the business of collection agencies, who, or the members of whom, are not *bona fide* residents of this Colony. Money lenders shall include every person (either an individual, a firm, a society or a corporate body) whose business is that of money lending, or who advertises or announces himself or holds himself out in any way as carrying on that business, but does not include any person *bona fide* carrying on the business of banking or insurance
- (17) A tax upon all theatrical, musical, dancing, pictorial, pantomime, athletic or other kind of public performance or performances, held or given for the profit of the promoters thereof, within the city limits.
- (18) An annual tax not exceeding ten dollars upon every bowling alley and shooting gallery open to the public within the limits of St. John's to be paid by the owner or manager of the same.
- (19) A tax upon every contractor or builder not domiciled in this Colony for one year prior to the acceptance of any contract, of five hundred dollars per annum. The first payment of such tax whenever imposed or paid shall be a payment only for the then current calendar year, and the second and subsequent payments shall be due and payable on the second day of January following such payment.

160. The said several taxes and imposts shall, from time to time, be fixed and imposed, and may, from time to time, be altered or abolished by resolution of the Council, to be published and authenticated as hereinafter provided.

161. For the purpose of annual taxes, the year shall commence on

the first day of January, and end on the thirty-first day of December, and the taxes shall be payable in advance, on the first day of January.

162. In respect of cases in which the facts or conditions to which an annual tax applies shall commence or occur between the commencement and the end of any year as above defined, the Council shall have power, by resolution, rule or regulation, to apportion the taxes and to fix the amount, or proportion thereof, which shall be paid in respect of the unexpired portion of the year.

163. In relation to the taxes provided for by section one hundred and fifty-nine, it shall be lawful for the Council to issue to the party paying any such tax a license, in a form to be prescribed by the Council, permitting, or authorizing the having, keeping, using, or carrying on of the animal, article, property, business or employment, in respect of which the said tax is payable. It shall be lawful for the Council, by resolutions, rules, regulations, or bye-laws, to regulate or prohibit the having, keeping, using, or carrying on of any such animal, article, property, business or employment, without having first obtained such license, and to fix and impose penalties for the violation of any such resolution, rule, regulation, or bye-law, and for the breach of the terms or conditions of any such license.

APPLICATION OF FUNDS AND FINANCIAL AFFAIRS.

164. The moneys to be annually raised by, and paid over to the Council, shall be applied:

- (1) To the payment of interest on the sum of one million dollars provided and arranged in section one hundred and eighty-one of this Chapter.
- (2) To the payment of salaries or other compensation to the members, officers, clerks, and servants of the Council, and the defraying of the necessary expenses incidental to the management of the business and affairs of the Council.
- (3) To the maintenance, improvement and extension of the supply of water to the town and suburbs of Saint John's, and the carrying out of the works necessary therefor.
- (4) To the laying out, improvement, and protection and maintenance of Bannerman, Victoria, Bowring and other Parks.
- (5) To the lighting of the town.
- (6) To the construction, improvement, maintenance and repairs of

sewers, drains and gratings; the construction, maintenance, and repairs of roads, streets and sidewalks; the cleansing of the town, and general sanitary purposes; and,

- (7) Generally to the carrying out and performance of the work, duties, powers and functions authorized, prescribed and imposed by this Chapter, and all necessary expenses incidental thereto.

165. The Council shall every year furnish to the Governor in Council full and detailed accounts of receipts from all sources and expenditures upon all services and purposes, which accounts shall be made up to the thirty-first day of December, and shall be furnished to the Governor in Council not later than the thirty-first day of January, and shall be laid before the Legislature at its next Session. The Council shall also furnish, not later than the thirty-first day of January, an estimate of proposed expenditures for the ensuing year, and a statement of the means proposed for raising the moneys necessary therefor, to be laid before the Legislature, which shall be published by the Council in at least two of the local newspapers. No proposed increase of water rate, sewerage rate, vacant land taxes, or property taxes, shall take effect until the first day of July, then next ensuing. It shall be competent for the Legislature to alter or disallow any such proposed increase, and, in case such proposed increase shall not be disallowed by the Legislature, the same shall be of full force and effect.

166. The Council shall not have power to incur, enter upon or contract, or become liable for any expenditure or indebtedness beyond, or in excess of, the amount of its actual receipts or income, without the express sanction or authority of the Legislature.

167. The Council may, from time to time, make such rules, regulations, and bye-laws, as may be deemed expedient or necessary, for any of the following purposes viz.:

- (1) For protecting the property of the Council and all portions thereof from trespass or injury.
- (2) For preventing the waste or misuse of water; and therein, amongst other things, to prescribe the size, description, strength, and location of the pipes, cocks, cisterns and other apparatus to be used.
- (3) For regulating in regard to drainage the plans, inclination, and

the materials of the pavement and roadway of public and private streets, and the plans and levels of sites for buildings, and the levels of the bottoms of cellars and the lowest parts of buildings and the drainage of streets into sewers.

- (4) For regulating the dimensions, form and mode of construction, and the materials and the keeping, cleaning and repairing of the pipes, drains and other means of communicating with the sewers, and the fittings and apparatus connected therewith; for the emptying, cleansing, closing, and filling up of sinks, cesspools and privies, and for such other works of cleansing and of removing and disposing of refuse as the said Council may be authorized to perform.
- (5) For prohibiting the use of any form, or any mode of management of any baths, water-closets, soil-pans, sinks, cesspits, wells, and other receptacles and fittings, the use of which may, in their judgment, tend to any fouling or contamination, or to endanger the public health.
- (6) To compel the occupant of any lot of land having stagnant or filthy water upon it, or that is dangerous to the public health, or the agent or proprietor of such lot, or any person having charge thereof in the absence of the proprietor, or in case the proprietor cannot be found to drain off such stagnant and filthy water, or to fill up or properly level off the said lot. To provide that in case there be no person in the occupation of the said lot, and no one to represent the proprietor, or should such proprietor or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same, when so directed by the proper officer of the Council, or to be unable, for want of means, to drain, fill up, or level the said lot, it shall be competent for the Council to have the same done at the cost of the proprietor, and to acquire thereby a special mortgage on the lot for the amount so expended.
- (7) To compel the proprietor of any lot of land in the town to fence in or enclose the same.
- (8) [a] To prohibit any person from casting or throwing any dirt, dung, rubbish or other offensive matter in, or upon any grating.

- [b] To prohibit any person from depositing before his dwelling-house, store, or other building, any dirt, dung, rubbish or other offensive matter.
- [c] To prohibit any person from depositing anywhere in the town any filth, dirt or other offensive matter whatsoever, and to compel the removal thereof by the owner or occupant of the premises in which the same may be or from which the same may have come and in default of his so doing, to authorize the removal or destruction thereof by the proper officer and to recover the cost of such removal or destruction from the party refusing or neglecting so to do.
- [d] To provide that the person who is the occupier of any dwelling-house, store, or other building, shall be liable for the breach by any servant or other person living or being therein, of any rule, regulation or bye-law, made under this subsection and that in any action against such person it shall be sufficient for the complainant to prove the said rule, regulation, or bye-law, and the alleged breach, and that such person is the occupier of the dwelling-house, store or other building from which such dirt, dung, rubbish or other offensive matter has been taken.
- (9) To prohibit the keeping, raising, or feeding of pigs or goats in the town, or in such sections thereof as the Council may determine.
- (10) To regulate the manner in which horned cattle shall be driven in the town, and to order that the said cattle shall be conveyed in such streets, and at such times only as may be determined by the Council.
- (11) To prohibit private slaughter-houses within the city limits, if deemed necessary in the interest of the public health.
- (12) To establish pounds for the impounding of horses, horned cattle, sheep, goats, and hogs, which may be found astray, and to fix a tariff of fines and rates to be paid at such pounds.
- (13) To authorize the distraining and impounding of any cattle, horses, swine, sheep, or goats found at large in the streets or public places, and the sale of the same for the penalty and expenses.

- (14) To regulate all things concerning the streets, sidewalks, coves, parks, squares, bridges, or drains in the town and the uses thereof; to protect the same from any encroachment or injury; to close and discontinue any street if deemed advisable in the interests of the public.
- (15) To prevent the encumbering of, and encroaching upon, the streets and side-walks; to license or prohibit the sale or peddlery of any article of merchandize in the streets or public places.
- (16) To regulate the planting, rearing, and preserving of ornamental trees in the streets, squares and parks of the town of St. John's.
- (17) To compel every occupant of a house or building to remove the snow or ice from the roof and footpath in front of such house or building and every owner of a vacant lot to remove the snow from the sidewalk in front of such lot.
- (18) To regulate the posting of bills and placards; to prevent posting or exhibiting of indecent or offensive placards, paintings, drawings, statues or inscriptions in any street or public place, or in any store, or any place visible from such street or public place.
- (19) To regulate the placing of chutes, awnings, signs, or show-boards; to declare such chutes, awnings, signs, or show-boards constructed or suspended contrary to any bye-law to be public nuisances, and to compel the owners thereof to abate the same.
- (20) To determine the direction of natural water-courses passing through private property, and to regulate all matters concerning the same, whether the said water-courses be covered or not.
- (21) To regulate the time when private drains shall be made, as also the manner and material with which the same shall be constructed, and to enact that such private drains may be made by the proprietor of such private drains, under the supervision of the Council, or in the event of refusal by any such proprietor, by the Council from the line of the street to the common sewer, and through private property; and in such case the Council shall be empowered to assess the cost

of the same on the proprietor of the property for the benefit of whom the said private drain is constructed.

- (22) To regulate the laying down of any railway track, which may be authorized to be laid in the town; to regulate the use of locomotive engines, steam-rollers, and street cars, and of the steam or other motive power on any railway in the city; to prescribe and regulate the speed of the cars, and to impose a penalty not to exceed four hundred dollars upon the company managing any such railway, or any of their servants, for each and every violation of any such bye-law.
- (23) For regulating the conduct of officers, workmen and servants appointed, employed, or hired under and for the purposes of this Chapter, and for the making, levying and collecting of taxes, rates and assessments, and for providing for the due management and use in all respects of the property of the Council, and for carrying into effect the purposes of this Chapter generally.
- (24) For fixing such reasonable penalties, not exceeding one hundred dollars, or imprisonment not exceeding three months, for a breach of any rules, regulations or bye-laws, made under the authority of this Chapter, and not otherwise provided for therein; and, in case of continuing offences, a further penalty not exceeding twenty dollars or imprisonment not exceeding ten days for every day after notice of such offence shall have been given by the Council to the offender.
- (25) To regulate the material, dimensions and form, and the keeping, painting, and repairing of all telegraph, telephone and electric poles erected on the streets in the town, and to declare any poles constructed and erected contrary to any rule, regulation or bye-law, to be a public nuisance, and to compel the owners thereof to abate the same.
- (26) To regulate the erection, alteration and repair of all buildings within the Municipal limits as defined in section 1 of this Chapter.

168. All resolutions of the Council under which any tax, rate or assessment is fixed, imposed, altered, or abolished, and all rules, regulations, and bye-laws made by the Council under the authority of this Chap-

ter, shall be published in the *Royal Gazette*, and otherwise advertised as the Council shall deem expedient and when so published in the *Royal Gazette* shall come into force and shall have the effect and operation of law, as if they were specifically incorporated in this Chapter.

169. The publication of any such resolution, rule, regulation, or bye-law in the *Royal Gazette*, purporting to be certified under the hand of the Mayor or Secretary of the Council for the time being, shall be *prima facie* evidence of the adoption or making of such resolution, rule, regulation or bye-law.

170. The Comptroller and Auditor-General, upon the order of the Governor in Council, shall have power from time to time to examine and audit the books of account of the Council, and for such purpose the Council, their clerks and servants, shall produce before him all such books, accounts, vouchers, correspondence, and other documents, and furnish all such information as he shall require for the purpose of such audit. The Comptroller and Auditor-General shall make a report upon the said accounts up to the close of the next preceding fiscal year, which report shall be laid before the Legislature at the next Session within fourteen days of the opening thereof. The amount of compensation to the said Auditor-General shall be determined by the Governor in Council and paid by the Council.

ACTIONS AND SUITS.

171. All taxes, rates, assessments, dues and license fees, payable under this Chapter, shall be recoverable in any court of record by action at the suit of the Mayor for the time being.

172. All actions, in contract or in tort, by or against the Council may be taken in the name of the Mayor, or in case of a vacancy, in the name of the Secretary.

173. No action shall be commenced against the Council or any person acting under their authority, for anything done in pursuance of the provisions of this Chapter, until one month after notice in writing shall have been delivered to the Mayor; or, in the event of a vacancy, as aforesaid, or of the absence of the Mayor, to the Secretary, or left at the office of the said Council, by the party who intends to institute such action, his attorney or agent, in which notice shall be clearly and explicitly contained the cause of action, the name and place of abode of the person who is to bring the same, and the name and place of abode of his attorney or agent.

LICENSED CAB DRIVERS.

174. The Council shall have power to make and prescribe, and from time to time to alter, a system of rules, regulations and bye-laws, in relation to cabs, carriages, sleighs and vehicles plying for hire in the town, under which rules, regulations and bye-laws the Council may require every person carrying on the business of a cab, or carriage, cart, truck or sleigh or vehicle for hire, to take out an annual or temporary license therefor; may fix and prescribe the amount of fee or tax to be paid for such license, and the terms and conditions upon which the same shall be held; may set apart in the streets or squares of the town stands for the use of licensed cab-drivers, under rules and regulations in relation to the use of such stands; may prohibit all parties from using or driving cabs, carriages, or other vehicles for hire in the town, or otherwise preventing, hindering, or interfering with licensed cab-drivers or their business; may fix and establish a scale of fares, rates and charges, to be paid to licensed cab-drivers, and provide a summary method of recovery thereof; may fix and prescribe generally the duties and regulate the conduct of licensed cab-drivers in relation to the public, and the rights and duties of the public in relation to the said licensed drivers in all matters pertaining to their said business, and fix and impose appropriate fines and penalties for the breach, violation, or non-observance of any such rules, regulations, or bye-laws.

175. The Council shall, in a bye-law or regulation, fix and prescribe a scale of fares, rates and charges which shall be paid to licensed cab-drivers driving within a radius of twelve miles from the City Hall in St. John's. No cab driver shall charge or be entitled to recover any fare in excess of those in the scale provided. Licensed cab drivers in this section shall include the drivers of motor vehicles for hire.

176. Owners of horses kept within the city limits, for hire or private use, shall register same, and owners of carts, waggons, cabs, sleighs and other vehicles drawn by horses, kept within such limits, shall also be registered. Such registration shall be made in the office of the Council not later than the 15th day of April, in each year. Any tax imposed upon such horses or vehicles shall be paid at the time of registration.

177. It shall be unlawful for any person under the full age of eighteen years to drive or use for payment, hire or reward, whether direct or indirect, any carriage, cart, truck, express-waggon, sleigh, slide, catamaran, or other horse-drawn vehicle plying for hire or for any com-

mercial purpose within the limits of the town of St. John's; and any person under eighteen contravening the provisions of this section, or any person paying, hiring, employing, or rewarding such person, shall upon conviction thereof forfeit and pay for every offence a sum not exceeding ten dollars. Provided that this section shall not apply to farmers, fishermen, or other persons residing outside and not habitually employed within the said town limits and entering the same temporarily for some *bona fide* purpose connected with their avocations.

- 178.** (1) Every carriage which shall be driven or shall be on any of the streets, roads or squares of the town during the period within one hour after sunset and one hour before sunrise shall be provided with a lamp or lamps, which shall be so constructed and placed as to exhibit a light in the direction in which the carriage proceeds, and so lighted and kept lighted as to afford adequate means of signalling the approach or position of such carriage.
- (2) The owner of any carriage who shall cause or suffer the same to be driven or to be on any such street, road or square without being provided with a lamp or lamps, in accordance with sub-section (1) shall be liable to a penalty not exceeding ten dollars for every such offence.
- (3) The driver or other person in charge of any carriage provided with a lamp or lamps, in accordance with the provisions of sub-section (1), who shall drive such carriage, or cause or suffer the same to be driven, or to be upon any such street, road or square, shall, if such lamp or lamps be not placed, lighted and kept lighted in the manner and during the period prescribed by this section, be liable to a penalty not exceeding ten dollars for every such offence.
- (4) For the purposes of this section the term "carriage" shall include any waggon, van, carriage, chaise, buggy, dog-cart, cab, omnibus, char-a-bancs, wagonette, brake, stage-coach, tram-car, or other similar conveyance and any bicycle, tricycle or other similar machine, but not common carts or drays, nor sleighs or catamarans.
- (5) Penalties under this section may be recovered by any person, upon complaint, in a summary manner before a Stipendiary Magistrate.

TRIAL OF OFFENCES.

179. Except where otherwise provided, all offences under this Chapter, and under any rule, regulation, or bye-law of the Council made or adopted under the authority of this Chapter, may be tried, and all fines, forfeitures and penalties be imposed and recovered in a summary manner before a Justice of the Peace, and all fines and penalties so recovered shall be paid to the Council for the purposes of the town.

180. Any party feeling aggrieved by the decision or order of any Justice under this Chapter, shall have the right to appeal therefrom to the next sitting of the Supreme Court, upon giving notice to the convicting Justice, within two days, of his intention to appeal, and upon giving sufficient security, within four days, to prosecute the appeal and to abide by the result thereof.

MUNICIPAL DEBT, &C.

181. The town of St. John's and the Council shall be held to be chargeable with a portion of the Consolidated Public Debt of the Colony, amounting to the sum of one million dollars, the assumption of which charge and liability, with interest as hereinafter provided, shall be in full discharge of all claims and demands and balances due, except as herein-after provided, owing or payable to the general Government by the Council, whether in respect of principal or interest, balance on current account, or otherwise howsoever, and in settlement of all accounts between the said parties up to the 31st day of December, 1897.

182. The Council shall pay to the Minister of Finance and Customs interest at the rate of four per cent. upon the said sum of one million dollars, in half-yearly payments, on the thirtieth of June and thirty-first of December, in every year.

183. The Council shall be liable for and shall pay the interest on the sum raised under "The Newfoundland Railway Act, 1898," for the purpose of paving Water Street.

184. The Council shall also pay to the Minister of Finance and Customs the sum of thirteen thousand dollars per annum towards the expense of maintenance of the Fire Department, in half-yearly payments, on the thirtieth day of June and the thirty-first day of December in every year.

185. Any person requiring any information in relation to land within the limits of the town of St. John's and contained in any records in the possession of the said Council shall be entitled upon application to the Secretary to have search made for and to be furnished with the same.

CHAPTER 61.

Of the St. John's Fire Department.

SECTION

- 1.—Governor in Council may establish Fire Department for St. John's.
- 2.—Fire Insurance Companies to contribute.
- 3.—Method of assessment.
- 4.—Power of chief officer.
- 5.—Houses, &c., may be pulled down to stop fires.
- 6.—Compensation for losses occasioned.
- 7.—Penalty, &c., for injuring fire alarms.
- 8.—Penalty for false alarms.
- 9.—Fire apparatus to have right of way; penalty for obstruction.
- 10.—Measures which may be taken at a fire; penalty for obstructing.
- 11.—Power to enter buildings; penalty for obstructing.
- 12.—Carrying fires within the town; penalty.
- 13.—Naked lights not to be used in barns, &c.; penalty.
- 14.—Fires not to be lighted except in proper places.

SECTION

- 15.—Fires not to be lighted on streets, &c.
- 16.—Premises not to be left in condition to injure firemen.
- 17.—Chief officer may control storage of explosives, inflammable articles, &c.
- 18.—Penalty for obstructing firemen.
- 19.—Penalty for injuring reservoir, &c.
- 20.—Penalty for injuring water mains, &c.
- 21.—Duties of turn-cocks, &c.
- 22.—Water not to be shut off without notice to Fire Department.
- 23.—Firemen exempt from serving on juries.
- 24.—Fire escapes.
- 25.—Duties of chief officer as to public buildings, &c.
- 26.—Recovery of penalties.
- 27.—Governor in Council may make regulations.

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1. The Governor in Council may establish a Fire Department for the town of St. John's, to be composed of as many men as may be determined upon. The said department shall be under the control of a chief, and shall be in connection with the Newfoundland Constabulary Force.

2. The fire insurance companies doing business in the town of St. John's shall, in every year, pay collectively to the St. John's Municipal Council the sum of two thousand dollars, which sum the said Council shall pay to the Minister of Finance and Customs for the purposes of the said Fire Department.

3. For the purpose of collecting the said sum of two thousand dollars the agent or representative of each of the said fire insurance companies shall, in the month of January in every year, make an affidavit before a Stipendiary Magistrate, setting forth the amount actually received by the said company during the year ending the thirty-first day of December next preceding for premiums of insurance against fire upon property situated within the town limits, which affidavit shall be deposited with the St. John's Municipal Council on or before the last day of the said month of January, and the said Council shall

assess the said sum of two thousand dollars upon the said insurance companies in proportion to their respective returns of premiums, which assessments shall, upon notification from the said Council, be forthwith paid by the said insurance companies. The said Council shall have power to recover the same in like manner as other assessments under Chapter 60 of these Consolidated Statutes, entitled: "Of the St. John's Municipal Council."

4. The chief officer of the said Fire Department shall have the right to attach and fix to any private or public building, house or other erection, at any and all times, fire alarms, wires, and such bolts, hooks, shafts or fastenings of what kind soever as he may deem necessary for the purposes of the said fire department or for any other purposes in extinguishing or staying the progress of fires.

5. The chief of the Fire Department or the person in charge thereof at a fire if he considers it necessary to stay the progress of any fire, but not otherwise, may order that any building or any part thereof be pulled down or removed.

6. Any person sustaining by such pulling down or removal any loss or injury which he probably would have not suffered by the spread of such fire, shall be compensated for the same from the funds of the Fire Department, and for the purposes of ascertaining the right of any claimant, as well as determining the amount of damage, if any, sustained by him, the chief officer shall appoint one arbitrator and the party claiming shall appoint another; the arbitrators thus appointed shall, if necessary, appoint a third, and the decision of any two of such arbitrators shall be final and binding upon all parties; provided that should the two arbitrators first mentioned not agree in the choice of a third arbitrator, the Supreme Court or a Judge thereof, upon the application of either party, shall appoint a third arbitrator.

7. No person shall open any of the signal boxes connected with the fire alarm telegraph for the purpose of giving, or causing to be given, a false alarm of fire, or shall interfere in any way with the said boxes by breaking, cutting, injuring or defacing the same, or pulling the hook, handle or slides therein, except in case of fire, or, without authority, open, tamper or meddle with said boxes, wire or attachments, or any part or parts thereof, or with the telephone wires or anything connected therewith, under a penalty not exceeding one hundred dollars or imprisonment for a term not exceeding three months.

8. Any person who shall wilfully give, or cause to be given, to the Fire Department, or any member thereof, a false alarm of fire, and any person having under his control a telephone or telegraph which he shall knowingly permit to be used for the purpose of giving any false alarm as aforesaid, shall be liable to a penalty of not less than one hundred dollars or imprisonment for a term not exceeding three months.

9. The officers and men of the Fire Department, with the engines and apparatus thereof, shall have the right of way, while going to a fire upon any alarm thereof, through any street, place or lane within the town limits, or on the South side, or upon the waters of the harbor; and no person shall obstruct any officer or member of the Fire Department in the discharge of his duties, or wilfully retard the passage of any engine or other apparatus used by the members of the Fire Department while so going to a fire as aforesaid, under a penalty of not less than fifty dollars or imprisonment for a term not exceeding two months.

10. The chief officer of the Fire Department, or other officer in charge, shall have full power to stop all thoroughfares in the vicinity of a fire, in the event of the same being deemed necessary; and any person who shall impede, disobey or obstruct any member of the Fire Department, or who shall wantonly or maliciously injure a chemical extinguisher, fire engine or any of the horses, reels, harness or other apparatus belonging to the Fire Department, shall be liable to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding three months.

11. The officer in charge of the Fire Department and all persons under his command, shall have full power to enter and convey hose through any public building or private buildings for the purpose of the efficient action by the department, in case of fire occurring in such building or buildings, or any place adjoining or adjacent thereto, and shall not be subject to let or hindrance or subsequent claims for damage caused by the same, and any person so letting or hindering such officer, or person under his command aforesaid, shall be liable to a penalty not exceeding fifty dollars or imprisonment for a term not exceeding two months.

12. Every person who shall carry any fire through the streets, lanes, or on any wharf, in the town except in some covered vessel, or who shall kindle or light a fire in any of the places aforesaid, or who shall carry a lighted pipe, cigar or cigarette on any wharf where hay, straw or any combustible material may be stored, shall, for every such offence, be liable to a fine of not less than ten dollars or imprisonment for a term not exceeding one month.

13. No person shall use in any mill, barn, outhouse or stable a lighted candle or lamp, unless enclosed in a lantern, nor any fire in any of the said buildings, unless properly secured, nor a lighted pipe or cigar or cigarette, under a penalty of ten dollars or imprisonment for a term not exceeding one month.

14. No person shall light or have a fire in any house, workshop or outhouse, unless such fire is in a brick or stone chimney or in a stove of iron or other metal probably secured under a penalty of ten dollars or imprisonment for a term not exceeding one month.

15. No person shall light a fire, or cause a fire to be lighted, on any street, lane, wharf or public place, except in accordance with a permit of the officer in charge of the fire department, under a penalty of ten dollars or imprisonment for a term not exceeding one month.

16. No person on leaving his business place for the night shall leave any hatchway open, or other opening exposed in such a way as to endanger any fireman or other person having occasion to go on the premises during the night, under a penalty not exceeding fifty dollars.

17. The chief officer in charge may examine, and depute any officer or member of the Fire Department to examine all places where explosive compounds, detonators, gun powder, fire works, dynamite, or other articles, goods or merchandize liable to explode or cause fire are deposited, and may order the tenant or occupier of the place, or store, or premises in which the said articles or goods are deposited to remove them to a place of safety; and in the event of the said tenant or occupier refusing or neglecting so to do, he shall be liable to a fine of not less than ten dollars for every day he refuses or neglects to remove the same.

18. No person shall obstruct any officer or member of the Fire Department in the execution of his duties under a penalty of twenty-five dollars or imprisonment for a term not exceeding one month.

19. No person shall injure a public reservoir, or break or enter the same, or draw off or cause to be removed any of the water therefrom, except by permission of the chief officer in charge of the Fire Department, under a penalty of twenty-five dollars or imprisonment for a term not exceeding one month.

20. No person shall maliciously injure or destroy, or in any way

render useless or interfere with any of the water-mains, hydrants, sluices, or scouring valves, or open the same immediately before or after or during the continuance of a fire, under a penalty of fifty dollars or imprisonment for a term not exceeding two months.

21. The turn-cocks or persons in charge of the water-mains shall, on every alarm of fire, attend at the water-mains and instantly work the same so as to afford the most ample supply, and, during the continuance of a fire, they shall be under the command and control of the officer in charge of the Fire Department, and they shall afford him any and all assistance he may require, and they shall take his directions as to when they may restore the working of the water-mains to their usual state. Any turn-cock, or person aforesaid, in charge of the water-mains aforesaid, disobeying the orders or directions of the said officer, or being negligent in the performance of his said duties, shall be liable to a penalty of fifty dollars or imprisonment for a term not exceeding two months.

22. Whenever, for the purpose of examining, making connections or repairing, it may be found necessary to shut off the water from any of the main water pipes in the town, or the mains leading to the town, the city engineer, or the person in charge having the authority of the St. John's Municipal Council, shall give the chief officer in charge of the Fire Department timely notice in writing of the same.

23. Every member of the Fire Department shall, on appointment, receive a certificate of membership, duly signed by the chief officer in charge of the Fire Department, and shall, on production of said certificate, be exempt from serving on juries. Every person who has heretofore regularly served as a member of the St. John's fire brigade, or who may hereafter serve as a member of the Fire Department, for the space and term of seven consecutive years, shall, on production at any time of a certificate to such effect, be thereafter exempt from serving on juries.

24. All places, houses, hotels, colleges, schools, stores, factories and manufacturing establishments, being three or more stories in height, in which fifty or more persons reside or are employed above the second storey, unless supplied with a sufficient number of stairways duly certified and approved of by the officer in charge of the Fire Department, shall be provided with sufficient fire-escapes, properly constructed upon the outside thereof and connected with the interior by doors and windows at every story above the first, including the attic, if the same is occupied by more than twenty-five persons; and such fire-escapes shall be kept in good re-

pair, and free from obstruction of any kind. There shall, in every factory, be such means of extinguishing fires as the officer in charge of the Fire Department in writing may direct. Any owner, proprietor, superintendent, or other person in charge of any such place, house, hotel, college, school, store, factory or manufacturing establishment, neglecting or refusing to comply with the provisions of this section shall be liable to a penalty of fifty dollars or imprisonment for a term not exceeding two months.

25. It shall be the duty of the chief officer of the department to enforce, in the town of St. John's, the provisions of Chapter 52 of these Consolidated Statutes, entitled "Of Egress from Churches, Theatres, and other public buildings."

26. Except where otherwise provided, all offences under this Chapter and under any rule, regulation or bye-law made or adopted under the authority of this Chapter, may be tried and all fines and forfeitures and penalties imposed and recovered in a summary manner before a Stipendiary Magistrate; and all fines and penalties so recovered shall be paid to the chief officer in charge of the Fire Department for the purposes of the Fire Department.

27. The Governor in Council may make such other and further orders, rules and regulations as shall be necessary for the Government and management of the said Fire Department, and for regulating the conduct, discipline and mode of procedure of the said Fire Department and the members thereof, while engaged on the occasions of the happenings of fires, and for the preventing and extinguishing of fires, and the protection of property endangered thereby and for the management of the water supply and of the hydrants of the town, and may make such other orders, rules and regulations for the purposes of this Chapter applicable to houses, goods and persons in the town of St. John's as may be deemed expedient, and may affix penalties and punishments for the breach of such orders, rules and regulations.

28. The said rules, orders and regulations shall be published in the *Royal Gazette*, and shall have the force and effect of law as if herein enacted, and the production of any such publication shall be evidence of the making, date and contents thereof.

CHAPTER 62.

Of Building Leases in St. John's.

SECTION

- 1.—Compensation for improvements made by lessees.
- 2.—Method of arbitration.

SECTION

- 3.—Basis of assessment.
- 4.—Interpretation.

1. Every building lease of land within the limits of the town of St. John's, as defined by the Act 55 Vic., entitled "An Act to consolidate, with amendments, the acts relating to the St. John's Municipal Council and the Municipal Affairs of the town of St. John's," granted after the passing of said Act for a less term than ninety-nine years shall, any clause or condition in such lease contained to the contrary notwithstanding, be subject to the condition that if, at the expiration of the term of such lease, the lessor and lessee shall be unable to agree upon the terms for the extension of said lease for such further period, so as to complete a term of ninety-nine years, the said lessee shall be entitled to, and shall receive from the lessor, compensation for the improvements made by him upon the said land during the said term, the amount of compensation for such improvements to be determined by arbitration in the manner hereafter described.

2. Upon the expiration of the term of any such lease as aforesaid, if the lessor and lessee cannot agree upon the terms of extension as aforesaid, either party to such lease or his assigns may give notice to the other of the appointment, by him, of an arbitrator to determine the value of the improvements made upon the land by the lessee or his assigns, and the other party shall thereupon appoint a second arbitrator, and these two arbitrators shall appoint a third, which three arbitrators or any two of them shall determine the amount of compensation to be paid to the lessee or his assigns by the lessor or his assigns. In case either party shall neglect or refuse to appoint an arbitrator within seven days after notice, or in case the two arbitrators appointed by the parties shall refuse or neglect to appoint a third within seven days from the date of their appointment, it shall be lawful for the Supreme Court or a Judge thereof, upon the application of either party, to appoint an arbitrator for the party neglecting or refusing to make such appointment, or to appoint a third

arbitrator, and such arbitrators shall, when so appointed, have the same power in all respects as if appointed by either party or by the two arbitrators of the parties. And the said arbitrators may summon and require the attendance before them of all persons whose evidence may be deemed necessary and may require the production before them of all deeds, papers, accounts, and other documents, and may examine upon oath all witnesses touching the matter to be enquired into by them.

3. For the purpose of ascertaining the amount of compensation to be paid to the lessee or his assigns as aforesaid, the arbitrators appointed as aforesaid shall award to the lessee or his assigns as compensation under this Chapter for improvements as aforesaid such sum as fairly represents the value of the improvement to an incoming tenant: Provided always that in estimating the value of any improvement, there shall not be taken into account as part of the improvement made by the tenant what is justly due to the inherent advantages of the leased land, consequent upon the relative situation, growth of trade, surrounding improvements, and similar changes during the preceding term of the lease.

4. The term building lease in this Chapter shall mean any lease of land upon which the lessee or his assigns shall erect dwelling houses, shops, stores, wharves or other such erections with the consent of the lessor.

CHAPTER 63.

Of Quidi Vidi Park.

SECTION

1. Government may acquire land for park.
- 2.—Method of ascertaining compensation.
3. Board of Commissioners.

SECTION

- 4.—Title to rest in Board.
- 5.—Powers of Board.
6. Board may make rules.

1. For the purpose of creating a Public Park the Governor in Council may acquire and take possession of all the land upon the north side of Quidi Vidi Lake, in the Eastern Division of the Electoral District of St. John's, between the said lake and the road on the north side thereof.

2. For the purpose of ascertaining the damage that has been or may be occasioned to any person whose interest in any lands or tenements has been or may be in any way affected under the provisions of this Chapter, the Governor in Council shall appoint one person and the party interested in any such property shall appoint a second and the Minister of Agriculture and Mines for the time being shall be the third, which three persons or any two of them shall determine the amount of compensation, if any, to be paid to such party according to his interest therein. And in case such party shall refuse or neglect to appoint an arbitrator within seven days after notice in writing so to do from the said arbitrator appointed by the Governor in Council and the Minister of Agriculture and Mines, the said arbitrator and the Minister of Agriculture and Mines shall name a third arbitrator, and the award of any two of them shall be final and binding; and the said arbitrators shall be sworn before a Magistrate to do justice between the parties and may summon and require the attendance before them of all parties interested in the property to be appraised by them, or the agents of such parties respectively, and also all necessary witnesses, and require the production before them of all deeds and papers requisite to establish the title or interest of any party claiming compensation in manner hereinbefore mentioned, and may examine upon oath (to be administered by any one of the arbitrators) all such parties or their agents, and all such witnesses, touching the matters to be enquired into by such arbitrators. And the award or decision of a majority of the said arbitrators shall in all cases be final and binding upon all parties. The Minister of Agriculture and Mines and arbitrators appointed under this Chapter shall re-

ceive as remuneration for their services the sum of five dollars each, which sum shall be added to the amount to be paid for all land taken thereunder, and shall be paid by the Minister of Finance and Customs to the several arbitrators.

3. The Governor in Council shall have power to appoint a Board of five commissioners, to be known as the "Quidi Vidi Park Commissioners," who shall be a body corporate, with power to sue and be sued.

4. The land acquired by the Governor in Council, under this Chapter, shall vest in the said Board of Commissioners in trust for the public

5. The said Board of Commissioners shall have power to lay out, beautify and adorn the said Park, and, in order to raise funds, to charge admission fees, and to rent and let out portions of the said land for temporary purposes not inconsistent with the purposes for which the said Park is provided.

6. The said Board of Commissioners shall have power to make rules and regulations for the preservation and management of the said Park and all property therein, and for the good conduct of all persons within the Park; and the said rules and regulations when approved by the Governor in Council and published in the *Royal Gazette*, shall have the force and effect of law as fully as if specifically enacted herein.

CHAPTER 94.

Of the Rebuilding of Harbour Grace.

SECTION

- 1.—Water Street—extent of, &c.
- 2.—Governor in Council may widen streets.
- 3.—Proprietors of land taken to be compensated. Mode of ascertaining value.
- 4.—Adjoining land may be awarded in lieu of money.
- 5.—Compensation not to be paid until land actually taken.

SECTION

- 6.—Houses built prior to 13th April, 1858, need not be removed.
- 7.—Buildings within certain boundaries to be of unflammable materials.
- 8.—Limits of town
- 9.—Provision for payment of compensation money.

1. Water Street in the town of Harbor Grace shall extend from the Carbonear road on the east to Main's Brook on the west, and shall be seventy feet wide throughout, and all buildings which shall be erected on the south side and to the southward of said street shall be built of brick, stone, or other unflammable material, and roofed or covered with iron, slate or other unflammable material.

2. The Governor in Council may, by order, cause any of the streets in the said town to be widened to such an extent as he may deem expedient.

3. All persons being the owners or tenants of lands or tenements within the said town, whose interests shall be in any way affected by the carrying into operation of the provisions of this Chapter, shall, after such lands or tenements are marked off and appropriated for the uses aforesaid, be paid compensation for any damage they may sustain in that behalf; and for the purpose of ascertaining the amount of such compensation, the party interested in the property affected shall name an arbitrator, who, with an arbitrator to be appointed by the Governor in Council, shall appraise the value of the said property; and in case any party interested in such property shall neglect or refuse to appoint an arbitrator within three days after notice so to do, the Governor in Council may appoint such arbitrator. The two arbitrators, whether appointed by the Governor in Council or otherwise, shall, if necessary, appoint a third arbitrator, and the award of any two of such arbitrators shall be final. The said arbitrators shall be sworn before a Justice faithfully and impartially to discharge their duties under this Chapter.

4. If the said arbitrators shall be of opinion that any proprietor of any ground required for the said street or fire-break may be indemnified

at a less expense to the public by having an equal portion of ground assigned to him from any ground adjoining, and that such adjoining ground may be taken without material injury to the proprietor thereof, the said arbitrators may mark off so much adjoining ground as they shall think sufficient to replace the ground required for the said street or fire-break; and the ground so marked off shall belong to the first-mentioned proprietor and shall be in lieu of all indemnity whatever, and the value of the same so to be ascertained by arbitration shall be paid to the proprietor from whom the same was taken, and shall be a full satisfaction and release of the same and of all right and title thereto: Provided that if the land so to be given shall not be deemed an equivalent for the land dedicated to the said street or fire-break, the said proprietor shall be paid such sum as may be, with the land so to be given, a full satisfaction for the land so dedicated.

5. No lands or tenements shall be deemed to be appropriated under this chapter, and no one shall be entitled to receive compensation therefor, unless and until such tenements have actually been removed and such lands have actually been taken out of the possession of the owner or occupier and made a portion of the said street or fire-break.

6. In widening the said streets or fire-breaks it shall not be compulsory to remove any houses or buildings erected prior to the thirteenth day of April in the year one thousand eight hundred and fifty-eight, without the previous approval of the Governor in Council, and unless such removal can be effected without entailing a heavy expense.

7. All houses, buildings, or erections of wood which shall hereafter be built on the south side and to the southward of Water street aforesaid, shall be public nuisances, and may be abated by order of any Stipendiary Magistrate; and the party erecting or building any such houses, buildings or erections of wood, contrary to the provisions of this Chapter, shall be liable for every such offence to pay a fine not exceeding fifty dollars, to be recovered before such Stipendiary Magistrate in a summary way by any person; which fine, when recovered, shall be paid over to the Minister of Finance and Customs for the use of the Colony.

8. For the purposes of this Chapter the limits of the said town shall be as follows: Commencing at the end of the Carbonear road on the east, and thence by the waters of the harbor until reaching Main's Brook on the west, thence following the course of said brook until it reaches the continuation of Harvey street or the postal road and Harvey street to the

Carbonear road on the east and thence following the said Carbonear road south to the place of commencement.

8. In payment of any amount exceeding one hundred dollars for compensation under this Chapter, the Governor in Council may cause to be issued to the parties entitled a debenture in the form to this Chapter annexed, and any sum under that amount the Minister of Finance and Customs shall, on warrant from the Governor, pay out of any moneys unappropriated in his hands.

FORM.

COLONY OF NEWFOUNDLAND.

Debenture, No \$

By virtue of the 64th Chapter of the Consolidated Statutes (Third Series), entitled "Of the Rebuilding of Harbor Grace," the bearer hereof is entitled to receive at the office of the Minister of Finance and Customs, within twenty-five years from the date hereof, the sum of dollars and cents, and also interest on the same at the rate of four dollars per centum per annum on the last days of June and December in each year, on production of this debenture at the office of the Minister of Finance and Customs.

Dated at St. John's, Newfoundland, thisday of....
Anno Domini, 19....

Minister of Finance and Customs.

Countersigned,
Colonial Secretary.

CHAPTER 65

Of the Rebuilding of Carbonear.

SECTION

- 1.—Orders of Governor in Council confirmed.
- 2.—Boundaries, &c., of main street prescribed.
- 3.—Minister of Agriculture and Mines to mark out lines of streets and firebreaks.
- 4.—Penalty for building on streets or fire breaks.

SECTION

- 5.—Compensation to be made. Arbitration.
- 6.—Manner of paying compensation awarded.
- 7.—Adjoining land may be marked off
- 8.—Houses, &c., on south side of main street to be roofed with unflammable materials.
- 9.—Line of main street.
Schedule.

1. All orders made by the Governor in Council, in pursuance of the provisions of an Act passed in the fiftieth year of the reign of her late Majesty Queen Victoria, and entitled "An Act to amend the Carbonear Street Act," so far as the same have been acted on, are hereby declared valid.

2. (1) The main street of Carbonear shall extend around the harbour of Carbonear from Taylor's Beach on the South Side, around the Pond Head on the west end of the said Harbour, and thence eastward to its junction with the road to Burnt Head, and shall be sixty feet wide in every part thereof.

(2) Commencing at the northeast angle of the store on the property of Herbert Pike, the southern boundary of the said street shall be defined by straight lines between the following points, namely:—From the said northeast angle of the aforesaid store to the northwest angle of the property of John Rorke & Sons, thence to the northeast angle of the said property of the said John Rorke & Sons, thence to the northwest angle of Mary Ann Sweeney's house, thence to the northeast angle of Peter Keough's house, thence to the northeast angle of Maurice Malone's house, thence to the northeast angle of Mrs. Patrick Cullen's land on the western side of the Court House Firebreak, thence to the northwest angle of John Foote's house, thence to the northeast angle of John Bemister's house, on the western side of the firebreak leading to the public wharf, thence to the northeast angle of house belonging to the estate of the late

W. T. Gould, thence to the northeast angle of a house belonging to Alfred Penney, thence to the northwest angle of Albert D. Boyle's house, thence to the northwest angle of land belonging to Augustus Hopkins on the eastern side of the Methodist Church firebreak, thence to the northwest angle of Eugene McCarthy's land, thence to the northeast angle of the same land, thence to the northwest angle of the house belonging to Richard Taylor, Senior, thence to the northwest angle of Silas Taylor's land, thence through a point on the eastern side of Harbour Rock Hill, six feet south of the northwest angle of Frank Penney's land to a point fifty-seven feet eastward from the eastern side line of the said Harbour Rock Hill, thence to the northwest angle of Edward Joyce's land, and thence to a point fifteen feet and six inches westward from the northeast angle of land belonging to John Penney, of Richard.

- (3) The north boundary line of the said main street, from its junction with Glory Lane on the west, eastward to the eastern boundary of land belonging to Herbert Taylor situate on the north side of the street opposite to the land of John Penney, of Richard, referred to in the last preceding section, shall be a line parallel to the southern boundary of the said street as hereinbefore described, and shall be sixty feet distant therefrom.
- (4) The Minister of Agriculture and Mines, or some person authorized in writing by him for that purpose, shall from time to time lay down and mark off the boundaries of such portions of the said main street as are not described in subsections (2) and (3) of this section.
- (5) All houses, stores, buildings and erections whatsoever which shall at any time hereafter be erected on any vacant lot of ground, or upon the site of any former building, abutting on the said main street, shall be made to conform to the width of the said street as the same is by this Chapter established and defined; provided that nothing herein contained shall make it compulsory to remove any house, store, building, or erection which was erected before the passing of this Chapter.

3. The Minister of Agriculture and Mines shall lay down and mark out the lines of the said street according to the boundaries defined in this Chapter, and also mark out the line and extent of, and form at his discretion a new street at Carbonear, to be fifty feet wide, and which new street shall run in a parallel course, as near as may be, with the aforesaid main street; and also mark out, make and form three cross-streets or fire-breaks. Such cross-streets shall be at least seventy feet wide, and shall extend from the harbor of Carbonear, northwardly, to such new street, and shall be laid out, as nearly as may be, at right angles with the said new street; and after such time as any of the said streets and fire-breaks (which shall first be approved of by the Governor in Council) shall be laid out, and compensation shall be made or tendered for the property necessarily appropriated for such purposes, in the manner hereinafter provided, the ground included in any of the said streets or fire-breaks shall be public property; and all buildings and erections which then remain, or hereafter may be placed or erected on the said ground, shall be public nuisances and may be abated by order of any **Stipendiary Magistrate**.

4. No person shall build, construct, erect, or excavate, or otherwise proceed in the commencement of any building or erection within the limits and boundaries of the said main street, as defined in this Chapter, nor within the lines marked or that may be marked out by the Minister of Agriculture and Mines, and approved by the Governor in Council, as and for the width of any street or firebreak, whether the party owning or claiming an interest in the ground embraced within the limits of any such street or firebreak shall or shall not have been paid or tendered compensation for the same; and all such buildings and erections which have been or shall be so erected or constructed, or in any manner commenced to be so erected or constructed, shall be public nuisances, and shall be abated by order of any Stipendiary Magistrate, who, after hearing the party complained of, or in default of his appearance on being summoned for that purpose, if such nuisance be proved, shall make an order for the abatement thereof, which order shall be carried into effect by such means as such Stipendiary Magistrate may deem expedient.

5. All owners or occupiers of lands and tenements within the said town, whose interests shall be in any way affected by the carrying of the provisions of this Chapter into operation, shall be paid compensation for any damage they may sustain in that behalf; and for the purpose of ascertaining the amount of compensation to be made in any case, the party interested in the property affected shall name an arbitrator, and the Gov-

error in Council shall name an arbitrator, and such two arbitrators shall, if necessary, name a third; and in case any party interested in such property shall refuse or neglect to appoint an arbitrator within seven days after notice so to do, or in case the arbitrators shall disagree in the choice of a third arbitrator, in either case the Governor in Council shall appoint a third arbitrator: the award of any two of such arbitrators shall be binding between all parties to such arbitration; and the said arbitrators shall be sworn before a Magistrate to do justice between the parties, and may summon and require the attendance before them of all parties interested in the property to be appraised by them or the agents of such parties, and also all witnesses, and require the production before them of all deeds and papers requisite to establish the title or interest of any party claiming in manner hereinbefore mentioned; and shall have power to examine on oath (to be administered by any one of such arbitrators) all such parties or their agents, and all such witnesses touching the matters to be enquired into by such arbitrators; and in estimating the damage which may be occasioned to any property under this Chapter, the said arbitrators shall always take into account any additional value or advantage which may accrue to the several proprietors and occupants from the convenience and security afforded by the widening and opening of the said streets or firebreaks. No expenditure shall be incurred for carrying this Chapter into operation until an estimate of the whole cost of the improvements herein contemplated shall first have been prepared and submitted by the Minister of Agriculture and Mines to the Governor in Council, and the consent of the Governor in Council to such expenditure, and to the time when such improvements shall be made, shall first have been obtained. No lands or tenements shall be deemed to be appropriated under this Chapter, and no one shall be entitled to receive compensation therefor, unless and until such tenements have actually been removed and such lands have actually been taken out of the possession of the owner or occupier and made a portion of such street, cross-street or firebreak aforesaid.

6. The Governor may draw warrants on the Minister of Finance and Customs for the payment of compensation to be awarded under this Chapter; and in discharge of such warrant for any amount not less than one hundred dollars, drawn upon him for such purpose by the Governor, the Minister of Finance and Customs shall pay the parties in whose favor such warrant shall be drawn the amount of compensation to which they may be entitled, by debentures payable within ten years from the date thereof, and bearing interest at the rate of four dollars per centum per annum, which debentures shall be redeemable after three months' notice given in the *Royal Gazette*, at the expiration of which notice all interest on all such

debentures mentioned therein shall cease; and all interest payable upon sums for which such debentures shall be issued as aforesaid, shall be payable half-yearly at the office of the Minister of Finance and Customs, on the production of such debentures before him, on the last days of June and December in each year, and such debentures shall be assignable and shall be according to the form in the schedule to this Chapter annexed.

7. If the said arbitrators shall be of opinion that any proprietor of any lands required for any street or firebreak may be indemnified at a less expense to the public by having an equal portion of ground assigned to him from any ground adjoining, and such adjoining ground may be taken without material injury to the proprietor thereof, the said arbitrators may mark off so much of the adjoining ground as they shall think sufficient to replace the ground required for such street or firebreak, and the ground so marked off shall belong to the first-mentioned proprietor, and shall be in lieu of all indemnity; and the value of the same, to be ascertained by arbitration in the manner aforesaid, shall be paid as aforesaid to the proprietor from whom the same was taken, and such payment shall be a full satisfaction and release of the same, and of all right and title thereto: Provided that, if the land so to be taken shall not be deemed an equivalent for the land dedicated to the street or fire-break, the said proprietor shall be paid such sum as may be, with the land so to be assigned, a full satisfaction for the land dedicated.

8. All houses and buildings of every description hereafter to be built or erected on the south side of the said main street shall be roofed with unflammable materials.

9. The plan of the said main street, dated the twenty-eighth day of March, one thousand nine hundred and sixteen, prepared by the Minister of Agriculture and Mines in triplicate, and signed by him in triplicate, and countersigned in triplicate by the President of the Legislative Council and by the Speaker of the House of Assembly, which plan is hereby declared to be a part of this Chapter, shall be the record of the lines and boundaries of the street, in so far as the same are defined in section two of this Chapter, and shall, on all questions touching such lines and boundaries, be conclusive evidence as to the same. One of the said signed plans shall be filed at the office of the Registrar of Deeds for Newfoundland, and one at the office of the Minister of Agriculture and Mines.

SCHEDULE.

COLONY OF NEWFOUNDLAND.

No.....

\$......

By virtue of Chapter sixty-five of the Consolidated Statutes of this Colony, (Third Series) entitled "Of the Rebuilding of Carbonear," the bearer hereof is entitled to receive, at the office of the Minister of Finance and Customs of this Colony, within ten years from the date hereof, the sum ofdollars, and also interest on the same at the rate of four dollars per centum per annum yearly, on the last days of June and December in each year, on the production of this debenture at the office of the said Minister of Finance and Customs.

Dated at St. John's, Newfoundland, theday of
A.D. 19.....

(Signed)

Minister of Finance and Customs.

Countersigned,

.....

Colonial Secretary.

CHAPTER 66.

Of the Carbonear Fire Brigade.

SECTION

- 1.—Governor in Council may authorize formation of Brigade.
- 2.—Numbers and officers.
- 3.—Annual meeting.
- 4.—Contribution by Water Company.
- 5.—Contribution by fire insurance companies.
- 6.—Power of first director.
- 7.—Power to pull down buildings to stay fire.
- 8.—Compensation to owners. &c.
- 9.—Penalty for false alarms.

SECTION

- 10.—Brigade to have right of way.
- 11.—First director to have power to stop thoroughfares, &c.
- 12.—Power to enter buildings.
- 13.—Penalty for lighting fire in public place without permit.
- 14.—Penalty for obstructing Brigade.
- 15.—Duty of person in charge of water supply.
- 16.—Buildings to be furnished with ladders.
- 17.—Brigade may make rules, &c.

1. The Governor in Council may authorize the organization of a Volunteer Fire Brigade for the town of Carbonear, hereinafter in this Chapter called "the Brigade."

2. The Brigade shall consist of not more than thirty-five members and shall be under the control and management of the following officers, namely:—First Director, Second Director, Secretary, and Treasurer, who shall be elected by the members of the Brigade at the annual meeting of the Brigade, and shall hold office for one year and be eligible for re-election.

3. The annual meeting shall be held in the month of January in each year and shall be called by notice to each member, signed by the Secretary.

4. The Carbonear Water Company shall in each and every year pay to the Brigade the sum of one hundred dollars in half yearly payments of fifty dollars each, on the last days of June and December, to be expended in the maintenance and for the purposes of the Brigade. Provided that the said amount of one hundred dollars shall be payable only by the said Water Company when all outstanding interest upon the Company's debentures shall have first been paid by the said Company.

5. Every fire insurance company doing business in the town of Carbonear shall in every year pay to the Brigade such sum as may be provided in the rules promulgated by the Brigade under this Chapter, provided that the aggregate amount payable by fire insurance companies doing business in Carbonear shall not exceed the sum of twenty dollars,

which may be recovered from any one of such Insurance Companies by action before a Stipendiary Magistrate in the name of the First Director.

6. The First Director of the Brigade shall have the right to attach and fix to any private or public building, house, or any other erection, at any and all times, fire alarms, bolts, hooks, shafts or fastenings of what kind soever he may deem necessary for the purposes of the Brigade, or for any other purpose in extinguishing or staying the progress of fire.

7. The First Director, if upon consultation with the officers of the Brigade he considers it necessary to stay the progress of fire, but not otherwise, may order that any building or any part thereof be pulled down or removed.

8. Any person sustaining, by such pulling down or removal, any loss or injury which he probably would not have suffered by the spread of such fire, shall be compensated for the same by the Governor in Council; and for the purpose of ascertaining the right of any claimant, as well as determining the amount of damage, if any, sustained by him, the Brigade shall appoint one arbitrator and the party claiming another; the arbitrators thus appointed, a third; and the decision of any two of such arbitrators shall be final and binding upon all parties; provided that should the two arbitrators first mentioned not agree in the choice of a third arbitrator, the Stipendiary Magistrate at Carbonear, upon the application of either party, shall appoint a third arbitrator.

9. Any person who shall wilfully give or cause to be given to the Brigade or any member thereof a false alarm of fire, shall be liable to a penalty not exceeding twenty dollars or imprisonment for a term not exceeding one month.

10. The officers and members of the Brigade, with the engine and apparatus thereof, shall have the right of way, while going to a fire upon any alarm thereof through any street, place or lane within the town limits; and no person shall obstruct any officer or member of the Brigade in the discharge of his duties, or wilfully retard the passage of any engine or other apparatus used by the members of the Brigade while so going to a fire as aforesaid, under a penalty of not less than twenty dollars or imprisonment for a term not exceeding one month.

11. The First Director of the Brigade or other officer in charge shall have full power to stop all thoroughfares in the vicinity of a fire in the event of the same being deemed necessary; and any person who

shall impede, disobey or obstruct any member of the Brigade, or who shall wantonly or maliciously injure any apparatus belonging to the Brigade, shall be liable to a fine of not exceeding fifty dollars, or imprisonment for a term not exceeding two months.

12. The officer in charge of the Brigade and all persons under his command shall have full power to enter and convey hose through any public or private building for the purpose of efficient action by the Brigade, in case of fire occurring in such building or buildings or any place adjoining or adjacent thereto, and shall not be subject to let or hindrance or subsequent claims for damages caused by the same; and any person so letting or hindering such officer or person under his command as aforesaid shall be liable to a penalty not exceeding thirty dollars, or imprisonment for a term not exceeding one month.

13. No person shall light, or cause to be lighted, a fire on any street, lane, wharf or public place, except in accordance with a permit of the First Director of the Brigade, under a penalty of two dollars, or imprisonment for a term not exceeding one week.

14. No person shall obstruct any officer or member of the Brigade in the execution of his duties, under a penalty of twenty dollars or imprisonment for a term not exceeding one month.

15. The Manager of the Water Company or person in charge of the water-main shall, on every alarm, attend at the water-main and instantly work the same so as to afford the most ample supply, and, during the continuance of a fire, shall be under the command and control of the officer in charge of the Brigade and shall afford such officer any and all assistance he may require and shall take the directions of the officer in charge as to when he may restore the working of the water-main to its usual state. The Manager or person aforesaid, in charge of the aforesaid water-main, disobeying the orders or directions of the said officer, or being negligent in the performance of his said duties, shall be liable to a fine of twenty dollars or imprisonment for a term not exceeding one month.

16. All halls, dwellings and stores within the town limits shall be furnished with at least one ladder each, which shall be placed upon the roof; such halls, dwellings and stores within the said limits situated on the south of Water Street shall have the said ladder placed upon the side facing the said street. Persons not complying with this section shall be liable to a penalty not exceeding five dollars or imprisonment for a term not exceeding two weeks.

17. The Brigade may make all rules and regulations necessary for the purpose of the government of the Brigade, which, when approved by the Governor in Council and published in the *Royal Gazette*, shall have the force and effect of law.

TITLE X.

OF INTOXICATING LIQUORS.

CHAPTER 67.

Of the Prevention of the Bringing of Spirituous Liquors on Board His Majesty's Ships.

SECTION

1.—Liquors not to be brought on board of His Majesty's Ships without consent of Commanding Officer; Forfeiture; Penalty.

1. It shall not be lawful for any person to bring on board any of His Majesty's ships or vessels any spirituous or fermented liquor of any description, without the previous consent of the officer commanding the ship or vessel on board of which the same may be brought; and it shall be lawful for any officer in His Majesty's service, or warrant or petty officer of the navy, or non-commissioned officer of marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching, or which may have hovered about or approached any of His Majesty's ships or vessels, and if any spirituous or fermented liquor be found on board such boat or vessel, to seize such spirituous or fermented liquor, and the same shall be forfeited to the Minister of Finance and Customs for the use of the Colony; and if any person shall bring any spirituous or fermented liquor on board any of His Majesty's ships or vessels without such previous consent as aforesaid, or shall approach or hover about any of His Majesty's ships or vessels for the purpose of bringing any spirituous or fermented liquor on board the same without such previous consent, or for the purpose of giving or selling without such previous consent spirituous or fermented liquor to men in His Majesty's service, or of aiding or assisting any officer, seaman or marine in His Majesty's service to desert or improperly absent himself from his ship or vessel, every such person shall, upon a summary conviction thereof before a Justice of the Peace, forfeit and pay a sum not exceeding fifty dollars for every such act or offence; and it shall be lawful for any officer in His Majesty's service, or any such warrant or petty officer, or non-commissioned officer as aforesaid, or for any constable or peace officer, with or without any warrant or other process, to apprehend or cause to be ap-

prehended any such offender or person so acting, and to bring him or cause him to be brought before any Stipendiary Magistrate or Justice of the Peace for the purpose of having the offender summarily convicted of the same. Any pecuniary forfeiture under this Chapter shall and may be recovered with costs before a Stipendiary Magistrate or Justice of the Peace; one-half of the forfeiture so recovered shall go to the party who may inform and sue for the same, and the other half to the Minister of Finance and Customs for the use of the Colony.

CHAPTER 68.

Of the Prohibition of Intoxicating Liquors.

SECTION

- 1.—Import of liquor prohibited; penalty.
- 2.—Manufacture of liquor prohibited; penalty.
- 3.—Sale of liquor prohibited; penalty.
- 4.—Possession of liquor prohibited; penalty.
- 5.—Interpretation.
- 6.—Appointment of Controller.
- 7.—Duties of Controller.
- 8.—Possession lawful in certain cases.
- 9.—Importation of sacramental wines.
- 10.—Delivery to clergy of sacramental wines.

SECTION

- 11.—Respecting licenses by Controller.
- 12.—Duties of licensed druggists.
- 13.—Penalty for unlawful dispensing.
- 14.—Duties of licensed practitioner.
- 15.—Penalty for giving unlawful prescriptions.
- 16.—Penalty for failure to return record.
- 17.—Prescriptions for liquor.
- 18.—Record of prescriptions.
- 19.—Sale to manufacturers by Controller.
- 20.—Recovery of penalties.

1. No person, except the Controller appointed under the provisions of this Chapter, shall import into the Colony any intoxicating liquors, except for sacramental purposes, under a penalty of not less than one hundred dollars, and not exceeding five hundred dollars, or, in default of payment, imprisonment not exceeding three months.

2. If anyone manufactures any intoxicating liquors at any place within the Colony he shall be liable to a penalty of not less than one hundred dollars, and not exceeding five hundred dollars, or in default of payment, imprisonment not exceeding three months.

3. If anyone not licensed in accordance with the provisions of this Chapter sells any intoxicating liquors, he shall be liable to a penalty of not less than one hundred dollars nor more than five hundred dollars, or, in default of payment, imprisonment not exceeding three months.

4. If anyone has in his possession any intoxicating liquors at any place in the Colony after the first day of January, 1917, manufactured or imported in or into the Colony after the first day of January, 1917, except in accordance with the provisions of section 8 of this Chapter, he shall be liable to a penalty of not less than one hundred dollars, and not exceeding five hundred dollars, or, in default of payment, imprisonment not exceeding three months.

5. The term "intoxicating liquors" shall be construed to signify all ale, wines, malt, brewed or spirituous liquors containing two per cent. or upward of alcohol in volume, except such drugs and medicines as may be

excepted by the Governor in Council, and wines for sacramental purposes.

6. The Governor in Council shall appoint a Controller of the importation, distribution and sale of intoxicating liquors permitted hereunder, and shall make rules and regulations for the performance of his duties and prescribe such fees as to the issue of licenses as may be sufficient to cover the salary of the Controller and the expenses incident to his office, which after publication in the *Royal Gazette* shall have the force and effect of law as fully as if enacted herein.

7. The Controller shall annually make a report to the Governor in Council to be laid upon the tables of both houses of the Legislature at the session thereof; such report shall be in such form and shall contain such particulars as may be prescribed in the rules and regulations made by the Governor in Council under the next preceding section.

8. It shall be lawful for any person to have in his possession any intoxicating liquors for use for religious, medicinal or manufacturing purposes, but it shall be unlawful to sell such intoxicating liquors unless he be duly licensed under the provisions of section six.

9. It shall not be lawful for any person, except the Controller, and all clergymen, and duly authorized druggists doing business in the Colony, and any one person on behalf of each religious denomination, which person shall have been duly appointed by that religious denomination as its agent for the purpose of this section, to import wines for sacramental purposes.

10. It shall be lawful for the Controller to deliver to all clergymen such quantities of wine for sacramental purposes, as may be certified to by the head of the denomination of which the clergyman is a member, or such agent as may be appointed by the head of the denomination.

11. It shall be lawful for the Controller to grant a license to any duly qualified druggist who is the proprietor of a drug store, for the sale in such drug store of intoxicating liquors for medicinal purposes, to any person presenting a prescription therefor, signed by a duly qualified medical practitioner practising in the Colony, and to grant a license to any duly qualified medical practitioner for the dispensing by such practitioner of intoxicating liquors for medicinal purposes.

12. Every druggist licensed hereunder shall keep a record book of all prescriptions for intoxicating liquors filled by him, giving the date of

the prescription, the character and amount of liquor supplied thereunder, date of the filling of the prescription, name and address of the person for whom the intoxicating liquor was prescribed, name and address of the person to whom the intoxicating liquor was delivered, and the name and address of the medical practitioner issuing the prescription. Any druggist licensed as aforesaid failing to keep such record book shall be liable to a fine of not less than fifty dollars and not exceeding five hundred dollars, for each offence, or, in default of payment, imprisonment not exceeding three months, and each failure to properly enter any prescription for intoxicating liquors filled by him shall be deemed to be a separate offence. A copy of such record shall be supplied monthly to the Controller.

13. If any druggist, licensed under this Chapter, dispenses or sells intoxicating liquors at any place in this Colony to any person except as provided for in this Chapter, he shall be liable to a penalty of not less than fifty dollars and not exceeding five hundred dollars, or in default of payment, to imprisonment not exceeding three months.

14. Every medical practitioner licensed hereunder shall keep a record book of all intoxicating liquors dispensed by him for medicinal purposes, giving the date of each transaction, character and amount of liquor dispensed, name and address of patient, and name and address of the person to whom the intoxicating liquor was delivered. Any medical practitioner failing to keep such record book shall be liable to a fine of not less than fifty dollars and not exceeding five hundred dollars for each offence, or, in default of payment, imprisonment not exceeding three months, and each failure to properly enter each transaction shall be deemed to be a separate offence. A copy of such record shall be supplied monthly to the Controller.

15. If any medical practitioner gives a prescription for intoxicating liquors, or dispenses intoxicating liquors at any place within the Colony, except only for *bona fide* medicinal treatment, he shall be liable to a penalty of not less than fifty dollars and not exceeding five hundred dollars, or, in default of payment, to imprisonment not exceeding three months.

16. Any druggist or medical practitioner failing to deliver to the Controller a copy of the record as provided in sections 12 and 14, shall be liable to a penalty of not less than fifty and not exceeding five hundred dollars, or, in default of payment, to imprisonment not exceeding three months.

17. It shall be lawful for the Controller to deliver to any person on

the order of a duly qualified medical practitioner such quantity of intoxicating liquor as may be contained in any prescription for medicinal purposes signed by any duly qualified medical practitioner practising in this Colony.

18. The Controller shall keep a record book of all prescriptions for intoxicating liquors filled by him, giving the date of the prescription, the character and amount of liquors supplied thereunder, date of the filling of the prescription, name and address of the person for whom the intoxicating liquor was prescribed, the name and address of the person to whom the intoxicating liquor was delivered, and the name and address of the medical practitioner issuing the prescription.

19. It shall be lawful for the Controller to sell to any manufacturer, from time to time, any quantity of intoxicating liquors which such manufacturer may require for *bona fide* use in his trade and for the purposes of manufacturing his goods. Any manufacturer who shall use or permit to be used any intoxicating liquors obtained under the provisions of this section, for any purposes other than those herein mentioned, shall be liable to a penalty of not less than fifty and not exceeding five hundred dollars, or, in default of payment, to imprisonment not exceeding three months.

20. All penalties under this Chapter shall be sued for, imposed and recovered in a summary manner before a Stipendiary Magistrate by any person who shall sue for the same.

TITLE XI.

OF BOOKS AND NEWSPAPERS.

CHAPTER 69.

Of Newspapers and Books.

SECTION

- 1.—No newspaper to be printed or published until affidavit lodged in the office of the Colonial Secretary.
- 2.—Affidavit to specify the names, &c., of the printers, publishers and proprietors, and title of newspaper.
- 3.—Similar affidavits to be made when place of publication, printer or proprietor changed.
- 4.—Affidavit to be made before a Stipendiary Magistrate.
- 5.—Persons omitting to set forth the real facts to be deemed guilty of perjury.
- 6.—Affidavits to be kept and filed, and certified copies to be received in evidence. Provisos.

SECTION

- 7.—Newspapers to set forth names of printers, publishers and proprietors. Penalty.
- 8.—After affidavits put in evidence, proof of identity of newspapers unnecessary.
- 9.—Secretary to furnish certified copies of affidavits required as evidence.
- 10.—Copies of newspapers to be lodged with the Secretary within six days after publication. Penalty for neglect. Papers so lodged to be produced in evidence by the Secretary.
- 11.—Affidavits and certified copies to be *prima facie* evidence.
- 12.—All books and papers to have names and residence of printers and publishers set forth. Penalty.
- 13.—Recovery and appropriation of penalties.

1. No person shall print or publish, or cause to be printed or published, any newspaper or other paper containing public news or intelligence, or serving the purpose of a newspaper, until an affidavit as hereinafter mentioned shall be delivered to the Colonial Secretary, or to some officer in the respective towns and at the respective offices which shall be appointed by the said Secretary for the purpose of receiving such affidavits, containing the several matters and things hereinafter for that purpose specified, under a penalty of two hundred dollars for every offence.

2. Such affidavit shall set forth the real names, additions, descriptions and places of abode of every person who is intended to be the printer and publisher of the newspaper or other paper mentioned in such affidavit and of all of the proprietors of the same, and of all the proprietors of the printing press and types generally used in the printing thereof, and a description of the building wherein any such paper is intended to be printed, and the title of such paper.

3. An affidavit of the like import shall be given in like manner as often as any of the printers, publishers or proprietors named in such affidavit shall be changed, or shall change their respective places of abode, or

their printing house, place or office, and as often as the title of the paper shall be changed.

4. Every such affidavit shall be made by the printer or publisher or one of the proprietors of such newspaper or other paper, and shall be in writing, and signed by the person making the same and shall be taken before a Stipendiary Magistrate.

5. If any person making such affidavit shall knowingly and wilfully insert or set forth therein the name, addition or place of abode of any person as proprietor, printer or publisher of any newspaper or other such paper as aforesaid to which such affidavit relates, who is not a proprietor, printer or publisher thereof, or shall knowingly and wilfully omit to mention in such affidavit the name, addition and place of abode of any of the proprietors, printers or publishers thereof, or shall knowingly and wilfully, in any other manner or respect, set forth in such affidavit any matter or thing by this Chapter required to be set forth, otherwise than according to the truth, or shall knowingly or wilfully omit to set forth therein according to the truth, any matter or thing required by this Chapter to be therein set forth, every such person so offending shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury.

6. Such affidavits shall be filed and kept in such manner as the Colonial Secretary shall direct; and the same, or copies thereof, certified to be true copies as hereinafter mentioned, shall respectively, in all proceedings civil and criminal, touching any newspaper or other such paper which shall be mentioned in such affidavits, or touching any publication, matter or thing contained in such newspaper or other paper, be received and admitted as conclusive evidence of the truth of all such matters set forth in such affidavits, as are hereby required to be therein set forth, against every person who shall have signed and sworn to such affidavits, and shall also be received and admitted in like manner as sufficient evidence of the truth of all such matters against every person who shall not have signed and sworn to the same, but who shall be therein mentioned to be a proprietor, printer or publisher of such newspaper or other paper, unless the contrary shall be satisfactorily proved; and if any such person against whom such affidavit, or any copy thereof, shall be offered in evidence, shall prove that he hath signed, sworn, and delivered to the Colonial Secretary, or such officer to be appointed by him as aforesaid, previous to the day of the date or publication of the newspaper or other such paper to which the proceeding, civil or criminal, shall relate, an affidavit that he hath ceased to be the printer, proprietor or publisher of such newspaper or

other such paper such person shall not be deemed, by reason of any former affidavit so delivered, to have been the printer, proprietor or publisher of such paper after the day upon which such last-mentioned affidavit shall have been delivered to the Colonial Secretary or the officer to be by him appointed as aforesaid: Provided, that no such affidavit shall be admitted as evidence against any person other than he who shall have made the same, unless it shall be proved that a copy thereof was furnished to such person, or left at his usual place of abode, before the publication of the matter or thing concerning which such proceeding shall have been instituted.

7. In some conspicuous part of every newspaper or other such paper there shall be printed in legible characters the name, addition and place of abode of the printer and publisher of the same, and also a description of the place where the same is printed; and in case any person shall knowingly and wilfully print or publish, or cause to be printed or published, any newspaper or other such paper not containing the particulars aforesaid, and every of them, every such person shall forfeit and pay to our Lord the King the sum of two hundred dollars.

8. It shall not be necessary, after any such affidavit or a certified copy thereof shall have been produced in evidence against the person who signed and made such affidavit, or is therein named according to this Chapter, and after a newspaper or other such paper or book shall be produced in evidence, entitled in the same manner as the newspaper or other paper mentioned in such affidavit or copy is entitled, and wherein the name of the printer or publisher and the place of printing shall be the same as the name of the printer and publisher and the place of printing mentioned in such affidavit, for the plaintiff, informant or prosecutor to prove that the newspaper or paper, to which such trial relates, was purchased at any house, shop or office belonging to or occupied by the defendant or by his servant or workmen, or where he by himself or his servant usually carry on the printing or publishing of such paper, or where the same is usually sold.

9. The Colonial Secretary or officer by whom any such affidavits shall be kept, according to the provisions of this Chapter, shall, upon application made to him by any person requiring a copy certified according to this Chapter of any such affidavit, in order that the same may be produced in any civil or criminal proceedings, deliver to the person so applying for the same such certified copy.

10. The printer or publisher of every newspaper or other such paper shall, upon every day upon which the same shall be published, or within

six days after, deliver to the Colonial Secretary or to the officer by him appointed to receive the same, one of the papers so published upon each day, signed by the printer or publisher thereof in his handwriting, with his name and place of abode, and the same shall be carefully kept by the Colonial Secretary or such officer in such manner as the Colonial Secretary shall direct; and such printer or publisher shall be entitled to be paid half yearly the usual price for such paper, and the Colonial Secretary is hereby authorized to pay for the same out of such money as may be at his disposal for disbursing the contingencies of his office; and in every case in which the printer and publisher of such newspaper or other paper shall neglect to deliver one such newspaper or other paper in the manner hereinbefore directed, such printer and publisher shall, for every such neglect, respectively forfeit and pay to our Lord the King the sum of two hundred dollars; and in case any person shall make application to the Colonial Secretary, or to any such officer, in order that such newspaper or other paper so signed by the printer or publisher may be produced in evidence in any proceeding, civil or criminal, the Colonial Secretary or or such officer shall, at the expense of the party applying, at any time within two years from the publication thereof, either cause the same to be produced in the Court in which the same is required to be produced, or shall deliver the same to the party applying for it, taking, according to his discretion, reasonable security at the expense of such party for the returning the same to the Colonial Secretary or such officer; and in case, by reason that the same shall have been previously required by any other person to be produced in any Court, or hath been previously delivered to any other person for the like purpose, the same cannot be produced at the time required, or be delivered according to such application, the Colonial Secretary or such officer shall cause the same to be produced, or shall deliver the same as soon as they are enabled to do so.

11. A copy certified under the hand of the Colonial Secretary, of any affidavit filed under the provisions of this Chapter, shall be *prima facie* evidence of the making and filing of such affidavit, and of the facts and matters therein set forth. The production of the affidavit required by the first section, or a certified copy thereof, together with the printed notices required by section seven, appearing in any newspaper, and corresponding with the description and statements contained in such affidavit, shall be *prima facie* evidence of the printing or publishing of such newspaper by the person or persons stated in such affidavit and notice to be the printer or publisher thereof.

12. Any person who shall print any book or paper which shall be

intended to be published or dispersed, whether the same shall be sold or given away, shall print upon the front of every such paper, if the same shall be printed on one side only, and upon the first and last leaves of every book or paper which shall consist of more than one leaf, in legible characters, his name, and the name of the city, town or place, and also the name (if any) of the square, street, lane, court or place in which his dwelling house or usual place of abode shall be; and every person who shall omit so to print his name and place of abode on every such paper or book printed by him, and also every person who shall publish or disperse, or assist in publishing or dispersing, either gratis or for money, any printed paper or book, on which the name and place of abode of the person printing the same shall not be printed as aforesaid, shall, for the publication or dispersion by him of every copy of such paper or book so published or dispersed, forfeit and pay to our Lord the King the sum of one hundred dollars. Nothing herein contained shall extend to any papers printed by the authority and for the use of the Government or either branch of the Legislature of this Colony, nor to any paper printed and published by any clergyman, and containing religious instruction only.

13. Proceedings for the recovery of all fines, penalties and forfeitures by this Chapter imposed shall be by action, bill, plaint or information in the Supreme Court. in the name of His Majesty's Attorney General, and the money arising from such fines, penalties and forfeitures, when recovered, shall be paid to the Minister of Finance and Customs for the use of the Colony.

CHAPTER 70.

Of the Preservation of Copies of Books Printed in Newfoundland.

SECTION

- 1.—Meaning of term "book."
- 2.—Three printed copies of every book printed in the colony to be furnished by printer to Government.
- 3.—Officer to get receipt.
- 4.—Disposal of such copies.
- 5.—Catalogue to be kept.

SECTION

- 6.—Memoranda registered to be published in *Gazette*.
- 7.—Penalty.
- 8.—Penalty.
- 9.—Recovery of penalties.
- 10.—Governor in Council to make rules.

1. In this Chapter, unless the context otherwise requires, the term "book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan, separately printed or lithographed, but shall not include any publication which consists merely of a price list, sale catalogue, annual report, trade circular or trade advertisement.

2. Three printed or lithographed copies of the whole of every book which shall be printed or lithographed in this Colony, together with all maps, prints or other engravings belonging thereto, finished and colored in the same manner as the best of the same shall be; and also of any second or subsequent edition which shall be so produced, with any additions or alterations, whether the same shall be in the letterpress, maps, prints or other engravings belonging thereto, and whether the first edition of such book shall have been produced before or after this Chapter shall come into force, shall, within one calendar month after the day in which any such book shall first be delivered out of the press, and notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered free of any charge, claim, or demand whatsoever by the printer, bound, sewed, or stitched together, and upon the best paper on which the same shall be printed or lithographed, at such place and to such officer as the Governor in Council shall, by notification in the *Royal Gazette*, from time to time direct. The publisher, or other person employing the printer, shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

3. Such officer shall thereupon give a receipt in writing for the copies so received.

4. One of such copies shall be transmitted to the British Museum, another copy shall be disposed of as the Governor in Council may direct, and the remaining copy shall, after a memorandum containing the particulars hereinafter mentioned respecting the book shall have been registered as hereinafter provided, be deposited in a library, or be otherwise disposed of as the Governor in Council may from time to time determine.

5. There shall be kept at such office and by such officer as the Governor in Council may appoint, a book, to be called "A Catalogue of Books printed in Newfoundland," wherein shall be registered a memorandum of every book which shall have been delivered pursuant to section two of this Chapter; and such memorandum shall contain (so far as may be practicable) the following particulars:—

- (1) The title of the book and the contents of the title page.
- (2) The language in which the book is written.
- (3) The name of the author, translator, or editor of the book, or any part thereof.
- (4) The subject.
- (5) The place of printing and publication.
- (6) The name or firm of the printer and the name or firm of the publisher.
- (7) The date of issue from the press or of the publication.
- (8) The number of sheets, leaves, or pages.
- (9) The size.
- (10) The first, second, or other number of the edition.
- (11) The number of copies of which the edition consists.
- (12) Whether the book is printed or lithographed.
- (13) The price at which the book is sold to the public; and
- (14) The name and residence of the proprietor of the copyright, or of any portion of such copyright.

Such memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copies thereof in manner aforesaid.

6. The memoranda registered in the said catalogue shall be published in the *Royal Gazette*, and a copy of the same shall be sent to the Secretary of State for the Colonies.

7. Every printer who neglects to deliver three copies of any such book as is referred to in section two of this Chapter, or of any second or subsequent edition of any such book, to the officer, and in the manner hereinbefore prescribed, commits an offence punishable by a fine not exceeding fifty dollars.

8. Every publisher or other person employing any such printer, who neglects to supply him in manner aforesaid, with maps, prints, or engravings, finished and coloured as aforesaid, which may be necessary to enable such printer to comply with the provisions of this Chapter, commits an offence punishable by a fine not exceeding fifty dollars.

9. All penalties for violations of the provisions of this Chapter may be sued for and recovered summarily before a Stipendiary Magistrate.

10. The Governor in Council shall have power to make such rules as may be necessary for carrying out the objects of this Chapter, and from time to time to repeal and alter such rules, and to exclude any class of books or publications from the operation of the whole or any part of this Chapter. Such rules and all repeals and alterations shall be published in the *Royal Gazette*.

TITLE XII.

OF THE POOR.

CHAPTER 71

Of Deserted Wives, Children and Parents

SECTION

- 1.—Justices may apprehend any husband, &c., abandoning his wife, &c., and order security for maintenance.
- 2.—Appropriation of property, &c., for the support of party destitute.
- 3.—Justice may compel the attendance of witnesses.

SECTION

- 4.—Meaning of terms in this chapter.
- 5.—Husband dissipating his property may be summoned by Justices.
- 6.—Order affecting landed property registered.
- 7.—Assignments to defeat chapter void.

1. Whenever a complaint on oath shall be made by a Commissioner of the Poor, or any other person, before any Stipendiary Magistrate that any husband has left destitute, abandoned or deserted, or is about to leave destitute, abandon or desert his wife; that any parent has left destitute, abandoned or deserted, or is about to leave destitute, abandon or desert his infant child; or that any child has left destitute, abandoned or deserted, or is about to leave destitute, abandon or desert his aged or infirm parent, the person so left destitute, abandoned or deserted, or about to be left destitute, abandoned or deserted, being destitute of the means of support and likely to become a burden on the Colony, and the party so leaving destitute, abandoning or deserting, or about to leave destitute, abandon or desert, having the means or ability to maintain such wife, child or parent, aforesaid, such Justice may, by summons or by warrant, cause the party so charged to be brought before him, and thereupon, if upon enquiry such complaint shall be sustained, such Magistrate may require the party charged as aforesaid to give security by bond to the Stipendiary Commissioner of the Poor at St. John's and his successors in office, for the support and maintenance of the person in relation to whom the charge is made; and, in default of such order being forthwith obeyed, may sentence the party charged to imprisonment, with or without hard labour, for any period not exceeding thirty days: Provided that if after committal the party charged shall give such security, he shall be forthwith discharged; and every subsequent month's abandonment or desertion as aforesaid, shall be deemed a repetition of the first offence.

2. In any case where, upon any such complaint, it shall be made to appear upon such enquiry, and whether the party charged shall have been brought before such Magistrate or not, that the party charged has any property or money within the jurisdiction of the said Magistrate, or that he is in the receipt of any salary, allowance, pension or wages, such Magistrate may, if such order aforesaid be disobeyed, or cannot be made by reason of the party charged not being brought before such Justice, make an order directing the appropriation of so much of such money or property as may be necessary, or the payment of a reasonable proportion of such salary, allowance, pension, or wages, towards the maintenance and support, from time to time, of the party the subject of such order; and such order shall be binding and obligatory upon all persons having notice thereof; and every employer or other person having the payment of such money, salary, allowance, pension, or wages, shall conform to and obey the same, and in default of conformity and obedience thereto, may be compelled to pay the amount from time to time payable thereunder, with costs, in an action of debt to be brought and determined in a summary manner, in the name of the Stipendiary Poor Commissioner at St. John's, before any Stipendiary Magistrate.

3. The Magistrate may, for the purpose of such inquiry, compel the appearance by summons, and, if necessary, by warrant, of any third person, and examine such person upon oath as to any such money, property, allowance, pension, or wages aforesaid.

4. The term "parent" in the preceding sections shall include a grand-parent, and the term "child" a grand-child.

5. Upon complaint on oath being made before any Stipendiary Magistrate that any husband or father having property is by habits of drunkenness dissipating his property, so as to expose his wife or children to the danger of destitution, such Magistrate may summon such husband or father before him, and inquire into the matter of such complaint, and if upon inquiry the same shall appear to be well founded, may make an order requiring such husband or father to give security to the Stipendiary Commissioner of the Poor at St. John's, and his successors in office, for the maintenance of his family, and, in default of such order being obeyed, may commit the offender to prison until he shall conform to such order or be discharged by due course of law. And the said Magistrate, where such security as aforesaid shall not be given, may, in lieu of committing such offender to prison, order that so much of the property of such offender as may be necessary be taken and applied to the maintenance of his family; and

such last-mentioned order shall be carried into effect under the direction of the Stipendiary Poor Commissioner, and shall be a justification in law for his proceedings thereunder; and the provisions of the second and third sections of this Chapter shall be applicable to the object of this section.

6. Every such order made by a Stipendiary Magistrate, affecting landed property, shall be registered in the Registry of Deeds for the Colony; and, from the time of such order being deposited for registration, shall have the effect of a conveyance of such land by the owner thereof for the purposes of such order: Provided that any Stipendiary Magistrate of the district aforesaid may rescind any such order upon receiving such security as to him may appear sufficient, and also in cases in which it may not be deemed necessary longer to continue the operation of such order.

7. All deeds, assignments and conveyances of any lands or other property made, done or executed with the intent and purpose of defeating any attachment made in pursuance of this Chapter shall be, and the same are hereby declared void, except in the case of a *bona fide* purchaser or grantee, for a valuable consideration, who shall not have been aware of or a party to such intent and purpose.

CHAPTER 72

Of Illegitimate Children.

SECTION

- 1.—Proceedings on complaint of a woman against person having gotten her with child.
- 2.—Provisions of second section of chapter 71 to apply to first section.
- Party charged may relieve himself by payment of \$100.

SECTION

- 4.—Mothers refusing to support their illegitimate children may be imprisoned.
- 5.—Continued refusal to support construed a new offence.
- 6.—Appeal in case of affiliation.
- 7.—Punishment on false charge.
- 8.—Commissioners of poor to control management of children supported by the colony.

1. Whenever a complaint, on oath, shall be made before any Justice by any woman charging any person with having gotten her with child, which child is likely to be born a bastard and become chargeable to the Colony; and whenever a complaint on oath shall be made by any person charging any other person with being the father of an illegitimate child, chargeable or likely to become chargeable to the Colony, such Justice shall issue his warrant and cause the party charged to be brought before him; and if upon enquiry such charge shall be sustained, and it shall not appear that the mother of the child was a common prostitute, such Justice shall make an order affiliating such child upon the party charged, and requiring security by bond to the Stipendiary Commissioner of the Poor at St. John's, and his successors in office, to be given for the support and maintenance of such child until it shall have arrived at the age of ten years, or shall die or be satisfactorily provided for; and in case such order shall not be forthwith obeyed, such Justice may sentence the party charged to imprisonment in the common gaol, with hard labor, for any period not exceeding six months: Provided that if after committal the party charged shall give such security, he shall be forthwith discharged; and where the Justice shall deem it reasonable in the case of a child not already born, final order upon the charge may be postponed until after the birth of the child, the party charged giving security to abide any order to be made against him.

2. The provisions and proceedings mentioned and contained in the second and third sections of Chapter 71 of these Consolidated Statutes, entitled "Of Deserted Wives, Children and Parents," shall be applicable and may be put in force and carried out in all cases coming within the operation of the first section of this Chapter.

3. Any person upon whom an order of affiliation shall have been

made as aforesaid, may relieve himself from all obligation thereunder by the payment to such Justice, for the Minister of Finance and Customs of the Colony, of the sum of one hundred dollars.

4. Every mother of an illegitimate child who, having the ability to labour or any means of supporting it, shall neglect or refuse to support and maintain such child, or shall abandon, desert, or leave it in any place, shall upon conviction in a summary manner before any Justice, be subject and liable and may be sentenced to imprisonment, with or without hard labour, in the common gaol, for any period not exceeding six months; and such Justice may, upon complaint on oath being made before him of the commission by any woman of such offence, issue his warrant for her apprehension, in order to a conviction for the same.

5. The continued neglect or refusal to support and maintain such child by its mother, for any subsequent month after a first conviction for such offence, shall be held and deemed to be a new offence, and shall be dealt with and punished in manner hereinbefore provided with respect to a first offence.

6. Any person charged by any woman or other person with being the father of an illegitimate child, and being convicted thereof by a Justice, may, upon giving security to abide the final determination of the case and to pay the costs thereof if finally convicted, appeal from the order of affiliation to the Supreme Court wherein the matter in issue shall be determined by a jury: Provided, that if upon such trial it shall be satisfactorily proven that the mother of the child was a common prostitute, and the jury shall find such fact, such finding shall be equivalent to a finding of not guilty on the main charge.

7. If any mother of an illegitimate child or any other person shall falsely and fraudulently charge any person with being the father of such child, such mother or other person, upon conviction of such offence in a summary manner before any Stipendiary Magistrate, shall be sentenced to imprisonment in the common gaol, with hard labor, for any period not exceeding six months.

8. The Stipendiary Commissioner of the Poor shall have the control and management of the illegitimate children supported by the Colony, and apprentice them when of competent age, or otherwise provide for them.

CHAPTER 73.

Of the Disembarking of Paupers.

SECTION 1.—Master of vessel landing paupers, &c., in this colony liable to fine.

1. Any master of a vessel or other person who shall disembark in any place in this Colony or its Dependencies any person who, at the time of such disembarkation, shall from sickness, age, infirmity, or want of means of support become, or be likely to become, chargeable to the Colony, shall be subject to a penalty of one hundred dollars, to be recovered in a summary manner with costs before a Stipendiary Magistrate, in an action to be brought in the name of and by the Stipendiary Commissioner of the Poor, and paid over to the Minister of Finance and Customs for the use of the Colony; and in default of payment, such master or other person may be imprisoned for a period not exceeding three months. No conviction under this Chapter shall be removable by *certiorari* or otherwise.

CHAPTER 74.

Of Old Age Pensions.

SECTION

- 1.—Pensions, amount and payment of.
- 2.—Conditions, of eligibility for.
- 3.—Pensions, payable quarterly.
- 4.—Assignments of, and charges on pensions to be void.

SECTION

- 5.—Claims to be determined by Governor in Council.
- 6.—Appointment, of persons to enquire into.
- 7.—Regulations to be made.
- 8.—False representations, penalty for.

1. Every person, in whose case the conditions laid down in this Chapter for the receipt of an Old Age Pension are fulfilled, shall be eligible to receive such pension, so long as such conditions continue to be fulfilled.

(1) An Old Age Pension under this Chapter shall be fifty dollars per year;

(2) The sums required for the payment of Old Age Pensions under this Chapter shall be paid out of moneys provided by the Legislature;

(3) The receipt of an Old Age Pension under this Chapter shall not deprive the pensioner of any franchise, right or privilege or subject him to any disability.

2. The conditions for the receipt of an Old Age Pension by any person are:

(1) The person must have attained the age of seventy-five years;

(2) The person must satisfy the Governor in Council that for not less than twenty years before the receipt of any sum on account of a pension he has had his residence, as defined by regulations under this Chapter, in this Colony.

(3) The person must satisfy the Governor in Council that his circumstances or means of support are such as to render a pension necessary for his support.

3. Old Age Pensions shall be paid quarterly in such manner and subject to such conditions as the Governor in Council may direct.

- (1) A pension shall commence to accrue on the date from which it is allowed by the Governor in Council.

4. Every assignment of or charge on, and every agreement to assign or charge an Old Age Pension under this Chapter shall be void; and no pension shall be liable to attachment or execution nor shall it, upon the insolvency of the pensioner, pass to his trustee or any person acting on behalf of creditors.

5. All claims for Old Age Pensions under this Chapter, and all questions in respect thereof, shall be determined by the Governor in Council.

6. The Governor in Council may appoint, in all or any of the Electoral Districts, any person or persons to enquire into and report to the Governor in Council upon claims for pensions under this Chapter.

7. The Governor in Council may make regulations for carrying this Chapter into effect, and for prescribing the evidence to be required for fulfilling the conditions, and for defining the meaning of residence.

- (1) All such regulations shall be laid before the Legislature within one week from the opening thereof in every year.

8. If, for the purpose of obtaining or continuing an Old Age Pension under this Chapter, either for himself or for any other person, any person knowingly makes any false statement or false representation, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months.

CHAPTER 75.

Of Sufferers from Marine Disasters.

SECTION

1.—Respecting contribution to representatives of lost seamen.

2.—Exemption of contribution from attachment or execution.

SECTION

3.—Claims to be determined by Governor in Council.

4.—Governor in Council may make rules.

1. If any fisherman or seaman domiciled in the Colony shall lose of his life by accident through drowning or otherwise on the high seas or within the territorial waters of the Colony, there shall be paid to his family or representatives, out of the Consolidated Revenue Fund of the Colony, the sum of one hundred dollars, upon the fulfilment of the following conditions:—

- (1) Proof of the cause of death must be given to the satisfaction of the Governor in Council within six months after the death;
- (2) The applicant must satisfy the Governor in Council that the deceased left him surviving one or more near relatives who are dependent upon him for support, and who are, at the time of making application, in need of assistance.

2. Any amount granted hereunder shall not be liable to attachment or execution.

3. All claims hereunder and all questions in respect thereof shall be determined by the Governor in Council, or by such body or society as he may appoint for the purpose.

4. The Governor in Council may make regulations for carrying this Chapter into effect. Such regulations shall be laid before the Legislature within one week from the opening thereof in every year.

CHAPTER 76.

Of the Permanent Marine Disasters Fund.

SECTION

- 1.—Committee.
- 2.—Powers of Committee.
- 3.—Fund, how raised.
- 4.—Unexpended balances of charitable funds may be paid to the Committee.
- 5.—Committee may be appointed to act.

SECTION

- 6.—Procedure, regulations.
- 7.—Investment of funds.
- 8.—Annual statement.
- 9.—Franking privileges.
- 10.—Notice of deaths by Stipendiary Magistrate to Committee.

1. There shall be a committee to be known as “The Permanent Marine Disasters’ Fund Committee,” (hereinafter called “The Committee”) to consist of nine members, namely, seven to be appointed by His Excellency the Governor in Council, and the Colonial Secretary and the Minister of Marine and Fisheries.

The office of a member of the Committee shall be vacated—

- (1) If he shall remain outside of this Colony for more than twelve months.
- (2) If he shall resign his office.
- (3) If he shall be declared insolvent.
- (4) If he becomes a lunatic or person of unsound mind.
- (5) If he refuses or is unfit to act on the Committee or is incapable of acting thereon.

The certificate of three-fourths in number of the Committee for the time being (exclusive of such member) that such office has been vacated shall be conclusive for the purposes of this Chapter.

2. The Committee shall have power to raise, establish and administer a permanent fund out of which they may, at their discretion, allocate funds for the relief of the dependents of any fisherman or seaman domiciled in the Colony who shall lose his life on the high seas or within the territorial waters of the Colony, or who shall die as the result of injuries received in the pursuit of his calling within one year from receiving such injuries, and also for the relief of any fisherman or seaman who shall suffer permanent or temporary injury resulting in partial or total disablement in the pursuit of his calling.

3. The Committee may raise and establish such fund by public or private appeals, to be made in such manner and at such times as the Committee shall see fit, and by the receipt of subscriptions, legacies, donations, gifts, and otherwise.

4. It shall be lawful for any committee, person or persons, corporation or corporations having the custody of any fund now or hereafter raised for charitable purposes, where the objects of the fund have been satisfied, and the surplus of the fund remains unexpended, to pay over such surplus to the Committee, and the receipt of the Treasurer or other properly constituted officer of the Committee shall be a sufficient discharge therefor. In particular there may be paid to the Committee:

- (1) The balance of the existing Permanent Marine Disasters Fund now in the hands of the Marine Disasters Fund Committee of 1914;
- (2) The interest now accumulated or which may hereafter accrue upon the investment of the Marine Disasters Fund of 1914, or any part of such fund;
- (3) The surplus balances now existing or which from time to time may hereafter arise by reason of the death, re-marriage, or other change of circumstances of a beneficiary of the said Marine Disasters Fund of 1914, causing the reduction or total withdrawal of the benefit allotted to such beneficiary; and
- (4) The unexpended surplus of the "Greenland" Disaster Fund.

5. The Governor in Council may appoint the Committee as a body or society for the purpose of determining all claims under section 3 of Chapter 75 of these Consolidated Statutes, entitled "Of Sufferers from Marine Disasters," and all questions in respect thereof.

6. The Committee may conduct its proceedings in the manner usual with deliberative bodies and may make regulations for the management of its business and for the purpose of carrying its powers into effect and may rescind, alter, and add to the same as it may from time to time see fit, and all such regulations shall be effective upon receiving the approval of the Governor in Council. Each member of the Committee shall have one vote, and the Chairman presiding at any meeting shall, in a case of a tie, have a second or casting vote. The continuing members of the Committee may act notwithstanding any vacancy in their body.

7. The Committee may invest its funds in such investments as may be authorized by law for trust funds, and further may deposit its funds in any Bank authorized by law to do business in the Colony, either in the usual course of business or under any special arrangement the Committee may make with any such Bank.

8. An annual statement of the receipts and expenditure shall be drawn up by the Committee and audited by the Auditor General as soon after the 31st day of December in each year as practicable, and such statement shall be sent to the Governor in Council as soon as conveniently may be after such audit is completed.

9. Letters and mailable matter addressed to or sent by the Committee or the Secretary thereof shall be exempt from postage.

10. Whenever a fisherman or seaman shall be killed or drowned on the high seas or at any place within the Colony or who shall die as a result of injury received by him in the course of his employment as such fisherman or seaman, it shall be the duty of the Stipendiary Magistrate residing nearest such fisherman or seaman, as soon as he becomes aware of the fact of any such death, to notify the Secretary of the Committee in writing, giving him particulars of such fisherman's or seaman's death and, as far as possible, of the dependents whom he has left surviving.

TITLE XIII.

OF ALIENS, IMMIGRATION AND EMIGRATION.

CHAPTER 77.

Of Aliens and Immigration.

SECTION

- 1.—Respecting the landing of immigrants and of such as are undesirable.
- 2.—Governor in Council may make rules.
- 3.—The expulsion order.
- 4.—When expulsion order made alien to be conveyed from Colony at expense of Colony or of master of the ship in which he came.

SECTION

- 5.—Duty of master to furnish particulars.
- 6.—Respecting the appointment of inspectors and officers.
- 7.—Penalties.
- 8.—Interpretation section.

1. (1) An immigrant shall not be landed in this Colony from an immigrant ship except at a port of entry, and shall not be landed at any such port without the leave of the Collector of Customs at that port, given after an inspection of the immigrants made by him, in company with a medical inspector, on the ship, or elsewhere if the immigrants are conditionally disembarked for the purpose; such inspection is to be made as soon as practicable, and the Collector shall withhold leave in the case of any immigrant who appears to him to be an undesirable immigrant within the meaning of this section.
- (2) Where leave to land is so withheld in the case of any immigrant, the master, owner, or agent of the ship, or the immigrant, may appeal to the Minister of Finance and Customs, and that officer shall, if he is satisfied that leave to land should not be withheld under this Chapter, give leave to land, and leave so given shall operate as the leave of the Collector.
- (3) For the purposes of this section an immigrant shall be considered an undesirable immigrant—
 - (a) If he cannot show that he has in his possession, or is in a position to obtain, the means of decently supporting himself and his dependents, if any; or

- (b) If he is a lunatic or an idiot, or owing to any disease or infirmity appears likely to become a charge upon the Colony, or otherwise a detriment to the public; or
- (c) If he has been sentenced in a foreign country between which and the United Kingdom there is an extradition treaty, for a crime, not being an offence of a political character, which is, as respects that country, an extradition crime within the meaning of the Act of the Imperial Parliament, entitled "The Extradition Act, 1870"; or
- (d) If an expulsion order under this Chapter has been made in his case;

but, in the case of an immigrant who proves that he is seeking admission to this Colony solely to avoid prosecution or punishment on religious or political grounds, or for an offence of a political character, or persecution, involving danger of imprisonment or danger to life or limb, on account of religious belief, leave to land shall not be refused on the ground merely of want of means or the probability of his becoming a charge on the public funds; nor shall leave to land be withheld in the case of an immigrant who shows to the satisfaction of the Minister of Finance and Customs that, having taken his ticket in this Colony and embarked direct therefrom for some other country immediately after a period of residence in this Colony of not less than six months, he has been refused admission in that country and returned direct therefrom to a port in this Colony; and leave to land shall not be refused merely on the ground of want of means to any immigrant who satisfies the Minister of Finance and Customs that he was born in this Colony, his father being a British subject.

- (4) The Governor in Council may, subject to such conditions as he thinks fit to impose, by order exempt any immigrant ships from the provisions of this section if he is satisfied that a proper system is being maintained for preventing the embarkation of undesirable immigrants on those ships, or if security is given to his satisfaction that undesirable immigrants will not be landed in this Colony from those ships except for the purpose of transit. Any such order of exemption may be withdrawn at any time at the discretion of the Governor in Council.

- (5) Any immigrant who lands, and any master of a ship who allows an immigrant to be landed, in contravention of this section shall be guilty of an offence under this Chapter; but an immigrant conditionally disembarked shall not be deemed to have landed, so long as the conditions are complied with.

2. The Governor in Council may make rules generally with respect to the duties of the Minister of Finance and Customs and Collectors of Customs under this Chapter, and with respect to appeals to the Minister of Finance and Customs, and with respect to the conditional disembarkation of immigrants for the purpose of inspection, appeals, or otherwise, and may by those rules, amongst other things, provide for the security to be given by the master of the ship in the case of immigrants conditionally disembarked. Rules made under this section shall provide for notice being given to masters of immigrant ships and immigrants informing them of their right of appeal; and also, where leave to land is withheld in the case of any immigrant by the officer, for notice being given to the immigrant and the master of the immigrant ship of the grounds on which leave has been withheld.

- 3.** (1) The Governor in Council may, if he thinks fit, make an order (in this Chapter referred to as an expulsion order) requiring an alien to leave this Colony within a time fixed by the order, and thereafter to remain out of this Colony, if it is certified to him by any Poor Commissioner, Magistrate, or Justice of the Peace, within twelve months after the alien has last entered this Colony, that the alien—

(a) Has, within three months from the time of granting such certificate, been in receipt of any poor relief, or been found wandering without ostensible means of subsistence, or been living under insanitary conditions due to overcrowding; or

(b) Has entered this Colony after the passing of this Chapter, and has been sentenced in a foreign country between which and the United Kingdom there is an extradition treaty, for a crime not being an offence of a political character which is as respects that country an extradition crime within the meaning of the Act of the Imperial Parliament, entitled "The Extradition Act, 1870."

- (2) If any alien in whose case an expulsion order has been made is at any time found within this Colony in contravention of the order, he shall be guilty of an offence under this Chapter.

4. (1) When an expulsion order is made in the case of any alien, the Governor in Council may, if he thinks fit, pay the whole or any part of the expenses of or incidental to the departure from this Colony, and maintenance until the departure, of the alien and his dependents, if any.
- (2) If an expulsion order is made in the case of any alien, not being an alien who last entered this Colony before the commencement of this Chapter, or an immigrant in whose case leave to land has been given under this Chapter on a certificate given within six months after he last entered this Colony, the master of the ship in which he has been brought to this Colony, and also the master of any ship belonging to the same owner, shall be liable to pay to the Minister of Finance as a debt due to the Crown any sums paid by the Governor in Council under this section in connection with the alien, and shall, if required by the Governor in Council, receive the alien and his dependents (if any) on board his ship, and afford them, free of charge, a passage to the port of embarkation and proper accommodation and maintenance during the passage.
- (3) If the master of a ship fails to comply with the provisions of this section as to giving a passage to an alien or his dependents, he shall be guilty of an offence under this Chapter.
5. (1) The master of any ship landing or embarking passengers at any port in this Colony shall furnish to such person, and in such manner as the Minister of Finance and Customs directs, a return, giving such particulars with respect to any such passengers who are aliens as may be required for the time being by order of the Minister of Finance and Customs, and any such passenger shall furnish the master of the ship with any information required by him for the purpose of the return.
- (2) If the master of a ship fails to make the return required by this section, or makes a false return, he shall be guilty of an offence under this Chapter and if any alien refuses to give information required by the master of the ship for the purpose of the return under this section, or gives any false information for the purpose, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labor.

- (3) The Governor in Council may, by order, exempt from the provisions of this section any special class of passengers or voyagers, or any special ships or ports, but any such order may be withdrawn at any time at his discretion.
- 6.** (1) The Governor in Council shall appoint, at such ports in this Colony as he thinks necessary for the time being, medical inspectors, and may appoint or employ such other officers or persons as may be required for the purpose of the returns to be given under this Chapter, or otherwise for carrying this Chapter into effect.
- (2) The Governor in Council may arrange with the Minister of Finance and Customs or any other Government department or any other public office for the appointment or employment of officers of Customs or other public officers as officers under this Chapter.
- (3) The Governor in Council shall make known, in such manner as he thinks best suited for the purpose, the ports at which officers are for the time being appointed under this Chapter.
- 7.** (1) Any person guilty of an offence under this Chapter shall, if the offence is committed by him as the master of a ship, be liable, on summary conviction before a Stipendiary Magistrate to a fine not exceeding five hundred dollars, and if the offence is committed by him as an immigrant or alien, to imprisonment for a term not exceeding three months with hard labour.
- (2) When a fine is imposed under this Chapter, and the master or owner of any ship is ordered to pay the same and the same is not paid at the time and in the manner prescribed, the Magistrate making the order may, in addition to any other powers he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.
- (3) Any immigrant who is conditionally disembarked, and any alien in whose case an expulsion order is made, while awaiting the departure of his ship, and whilst being conveyed to the ship, and whilst on board the ship until the ship finally leaves this Colony, and any alien in whose case a certificate has been given by a Court with a view to the making of an expulsion

ordered under this Chapter, until the Minister of Finance and Customs has decided upon his case, shall be liable to be kept in custody in such manner as the Minister of Finance and Customs directs, and whilst in that custody shall be deemed to be in legal custody.

- (4) If any immigrant, master of a ship, or other person, for the purposes of this Chapter, makes any false statement, or false representation to a Collector, Medical Inspector, or the Minister of Finance and Customs, he shall be liable on summary conviction to imprisonment for a term not exceeding three months with hard labor.
 - (5) If any question arises on any proceedings under this Chapter, or with reference to anything done or proposed to be done under this Chapter, whether any person is an alien or not, the onus of proving that that person is not an alien shall lie on that person.
 - (6) In carrying out the provisions of this Chapter due regard shall be had to any treaty, convention, arrangement, or engagement with any foreign country.
8. (1) The expression "immigrant" in this Chapter means an alien steerage passenger who is to be landed in this Colony, but does not include—
- (a) Any passenger who shows to the satisfaction of any Collector or of the Minister of Finance and Customs that he desires to land in this Colony only for the purpose of proceeding within a reasonable time to some destination out of this Colony; or
 - (b) Any passengers holding prepaid through tickets to some such destination, if the master or owner of the ship by which they are brought to this Colony, or by which they are to be taken away from this Colony, gives security to the satisfaction of the Minister of Finance and Customs that, except for the purposes of transit or under other circumstances approved by the Minister of Finance and Customs, they will not remain in this Colony, or, having been rejected in another country, re-enter this Colony and that they will be properly maintained and controlled during their transit.

- (2) The expression "immigrant ship" in this Chapter means any ship which brings to this Colony any alien steerage passenger or passengers, who is or are to be landed in this Colony.
- (3) The expression "passenger" in this Chapter includes any person carried on the ship other than the master and persons employed in the working, or service, of the ship, and the expression "steerage passenger" in this Chapter includes all passengers except such persons as may be declared by the Minister of Finance and Customs to be cabin passengers by order made either generally or as regards any special ships or ports.
- (4) If any question arises under this Chapter on an appeal to the Minister of Finance and Customs whether any ship is an immigrant ship within the meaning of this Chapter, or whether any person is an immigrant, a passenger, or a steerage passenger, within the meaning of this Chapter, or whether any offence is an offence of a political character, or whether a crime is an extradition crime, that question shall be referred to the Governor in Council, in accordance with rules made under this Chapter, and the Minister of Finance and Customs shall act in accordance with his decision.
- (5) The Governor in Council may withdraw or vary any order made by him under this Section.

CHAPTER 78.

Of the Naturalization of Aliens.

SECTION

- 1.—Certain persons to be deemed natural born British subjects.
- 2.—The Colonial Secretary may grant certificates of naturalization to aliens in certain cases.
- 3.—A person to whom certificate is granted shall enjoy status of natural born subject.
- 4.—Respecting special certificate in cases of doubt.
- 5.—Respecting the inclusion of a child in a certificate.
- 6.—Respecting the grant of a certificate under this Act to one already naturalized.
- 7.—Respecting the revocation of certificates.
- 8.—Powers of Secretary of State and Governments of British Possessions
- 9.—Application of section 8 of this Act.
- 10.—Status of wife.
- 11.—Effect of marriage on women who are aliens or British subjects.
- 12.—Respecting children of persons ceasing to be British subjects

SECTION

- 13.—Respecting loss of nationality by voluntary act.
- 14.—Respecting declaration of alienage.
- 15.—Respecting declarations of alienage under conventions.
- 16.—Obligations to continue notwithstanding loss of nationality.
- 17.—Real and personal property may be held and disposed of by aliens.
- 18.—Respecting trial of aliens.
- 19.—Governor in Council may make regulations for certain purposes.
- 20.—Respecting the evidence of declarations.
- 21.—Respecting proof of certificates.
- 22.—Respecting proof of entries in registers.
- 23.—Penalty for false statement.
- 24.—Oath of allegiance.
- 25.—Respecting letters of denization.
- 26.—Interpretation section.
First Schedule.
Second Schedule.

PART I.

NATURAL-BORN BRITISH SUBJECTS.

- 1.** (1) The following persons shall be deemed to be natural-born British subjects, namely:

- (a) Any person born within His Majesty's dominions and allegiance; and
- (b) Any person born out of His Majesty's dominions whose father was a British subject at the time of that person's birth, and either was born within His Majesty's allegiance or was a person to whom a certificate of naturalization had been granted; and
- (c) Any person born on board a British ship whether in foreign territorial waters or not.

Provided that the child of a British subject, whether that child was born before or after the passing of this Chapter, shall be deemed to have been born within His Majesty's allegiance if born in a place where by treaty, capitulation, grant, usage, sufferance, or other lawful means, His Majesty exercises jurisdiction over British subjects.

- (2) A person born on board a foreign ship will not be deemed to be a British subject by reason only that the ship was in British territorial waters at the time of his birth.
- (3) Nothing in this section shall, except as otherwise expressly provided, affect the status of any person born before the commencement of this Chapter.

PART II.

NATURALIZATION OF ALIENS.

- 2. (1) The Colonial Secretary of this Colony may grant a certificate of naturalization to an alien who makes an application for the purpose and satisfies the Colonial Secretary:
 - (a) That he either had resided in His Majesty's dominions for a period of not less than five years in the manner required by this section, or had been in the service of the Crown for not less than five years within the last eight years before the application; and
 - (b) That he is of good character and has an adequate knowledge of the English language; and
 - (c) That he intends, if his application is granted, either to reside in His Majesty's dominions or to enter or continue in the service of the Crown.
- (2) The residence required by this section is residence in this Colony for not less than one year immediately preceding the application, and previous residence, either in this Colony or in some other part of His Majesty's dominions, for a period of four years within the last eight years before the application.
- (3) The grant of a certificate of naturalization to any such alien shall be in the absolute discretion of the Colonial Secretary and he may, with or without assigning any reason, give or withhold the certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision.
- (4) A certificate of naturalization shall not take effect until the applicant has taken the oath of allegiance.
- (5) In the case of a woman who was a British subject previously to her marriage to an alien, and whose husband has died or

whose marriage has been dissolved, the requirements of this section as to residence shall not apply and the Colonial Secretary may in any other special case, if he thinks fit, grant a certificate of naturalization, although the four years residence or five years service has not been within the last eight years before the application.

3. A person to whom a certificate of naturalization is granted by the Colonial Secretary shall, subject to the provisions of this Chapter, be entitled to all political and other rights, powers and privileges, and be subject to all obligations, duties and liabilities to which a natural born British subject is entitled or subject, and, as from the date of his naturalization, have to all intents and purposes the status of a natural-born British subject.

4. The Colonial Secretary may, in his absolute discretion, in such cases as he thinks fit, grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in the certificate that the grant thereof is made for the purpose of quieting doubts as to the right of the person to be a British subject, and the grant of such a special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

5. (1) Where an alien obtains a certificate of naturalization, the Colonial Secretary may, if he thinks fit, on the application of that alien, include in the certificate the name of any child of the alien born before the date of the certificate and being a minor, and that child shall thereupon, if not already a British subject, become a British subject; but any such child may, within one year after attaining his majority, make declaration of alienage, and shall thereupon cease to be a British subject.

(2) The Colonial Secretary may, in his absolute discretion in any special case in which he thinks fit, grant a certificate of naturalization to any minor, although the conditions required by this Chapter have not been complied with.

(3) Except as provided by this section, a certificate of naturalization shall not be granted to any person under disability.

6. An alien who has been naturalized before the passing of this Chapter may apply to the Colonial Secretary for a certificate of naturalization

under this Chapter, and the Colonial Secretary may grant to him a certificate on such terms and conditions as he may think fit.

7. (1) Where it appears to the Colonial Secretary that a certificate of naturalization granted by him has been obtained by false representations or fraud, the Colonial Secretary may by order revoke the certificate, and the order of revocation shall have effect from such date as the Colonial Secretary may direct.

(2) Where the Colonial Secretary revokes a certificate of naturalization, he may order the certificate to be given up and cancelled, and any person refusing or neglecting to give up the certificate, shall be liable on summary conviction to a fine not exceeding five hundred dollars.

8. (1) The Secretary of State and the Government of any British Possession shall have the power to grant a certificate of naturalization under or pursuant to the provisions of the British Nationality and Status of Aliens Act, 1914, as the Colonial Secretary has under this Chapter, and the provisions of this Chapter as to the grant and revocation of such a certificate shall apply accordingly with the substitution of the Secretary of State or the Government of the Possession for the Colonial Secretary, and the United Kingdom or the Possession for this Colony, and also, in a Possession where any language is recognized as on an equality with the English language, of that language for the English language.

(2) Any certificate of naturalization granted under this section shall have the same effect as a certificate of naturalization granted by the Colonial Secretary.

9. Section 8 of this Chapter shall not apply to any of the Dominions specified in the First Schedule to this Chapter, unless the Legislature of that Dominion adopts Part II. of the British Nationality and Status of Aliens Act, 1914, which is hereby formally declared to be adopted by this Colony.

PART III.

GENERAL.

NATIONAL STATUS OF MARRIED WOMEN AND INFANT CHILDREN.

10. The wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien; provided

that where a man ceases during the continuance of his marriage to be a British subject it shall be lawful for his wife to make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to remain a British subject.

11. A woman who, having been a British subject has, by or in consequence of her marriage, become an alien, shall not, by reason only of the death of her husband, or the dissolution of her marriage, cease to be an alien, and a woman who, having been an alien, has by or in consequence of her marriage become a British subject, and not by reason only of the death of her husband, or the dissolution of her marriage, cease to be a British subject.

12. (1) Where a person, being a British subject, ceases to be a British subject, whether by declaration of alienage or otherwise, every child of that person, being a minor, shall thereupon cease to be a British subject, unless such child of that person ceasing to be a British subject does not become by the law of any other country naturalized in that country; provided that, where a widow who is a British subject marries an alien, any child of hers by her former husband shall not, by reason only of her marriage, cease to be a British subject, whether he is residing outside His Majesty's dominions or not.

(2) Any child who has so ceased to be a British subject may, within one year after attaining his majority, make a declaration that he wishes to resume British nationality, and shall thereupon again become a British subject.

LOSS OF BRITISH NATIONALITY.

13. A British subject who, when in any foreign State and not under disability, by obtaining a certificate of naturalization, or by any other voluntary and formal act, becomes naturalized therein, shall thenceforth be deemed to have ceased to be a British subject.

14. (1) Any person who, by reason of having been born within His Majesty's dominions and allegiance, or on board a British ship, is a natural-born British subject, but who at his birth or during his minority became under the law of any foreign State a subject also of that State, and is still such a subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration, shall cease to be a British subject.

- (2) Any person who, though born out of His Majesty's dominions, is a natural-born British subject, may, if of full age and not under disability, make a declaration of alienage, and on making the declaration shall cease to be a British subject.

15. Where His Majesty has entered into a convention with any foreign State to the effect that the subjects or citizens of that State to whom certificates of naturalization have been granted may divest themselves of their status as such subjects, it shall be lawful for His Majesty, by Order in Council, to declare that the convention has been entered into by His Majesty; and from and after the date of the Order any person having been originally a subject or citizen of the State therein referred to, who has been naturalized as a British subject, may, within the limit of time provided in the convention, make a declaration of alienage, and on making the declaration he shall be regarded as an alien and as a subject of the State to which he originally belonged as aforesaid.

16. Where any British subject ceases to be a British subject he shall not thereby be discharged from any obligation, duty or liability in respect of any act done before he ceased to be a British subject.

STATUS OF ALIENS.

17. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from or in succession to any alien in the same manner in all respects as though from or in succession to a natural-born British subject:

Provided that this section shall not operate so as to—

- (1) Qualify an alien for any office or for any municipal, parliamentary, or other franchise; or
- (2) Qualify an alien to be the owner of a British ship; or,
- (3) Entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him; or
- (4) Affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the ninth day of May, eighteen hundred and eighty-one, or in pursuance of

any devolution by law on the death of any person dying before that day.

18. An alien shall be triable in the same manner as if he were a natural-born British subject.

PROCEDURE AND EVIDENCE.

19. (1) The Governor in Council may make regulations generally for carrying into effect the objects of this Chapter, and in particular with respect to the following matters:

- (a) The form and registration of certificates of naturalization granted by the Colonial Secretary;
 - (b) The form and registration of declarations of alienage and declarations of resumption or retention of British nationality;
 - (c) The time within which the oath of allegiance is to be taken after the grant of a certificate of naturalization.
 - (d) The persons by whom the oath of allegiance may be administered, and the persons before whom declarations of alienage and declarations of resumption of British nationality may be made;
 - (e) Whether or not oaths of allegiance are to be subscribed as well as taken, and the form in which the taking and subscriptions are to be attested;
 - (f) The registration of oaths of allegiance;
 - (g) The persons by whom certified copies of oaths of allegiance may be given; and the proof in any legal proceeding of any such oaths;
 - (h) The imposition and application of fees in respect of any registration, declaration or certificate hereunder.
- (2) Any regulations made by the Governor in Council under this Chapter shall have the same force as if herein enacted.

20. Any declaration made under this Chapter may be proved in any legal proceeding by the production of the original declaration or of any copy thereof certified to be a true copy by the Colonial Secretary, or by any person authorized by him in that behalf, and the production of the declaration or copy shall be evidence of the person therein named as declarant having made the declaration at the date therein mentioned.

21. A certificate of naturalization issued under this Chapter or under the British Nationality and Status of Aliens Act, 1914, or under any Act or law passed by or in force in any British possession, in which Part II. of the said British Nationality and Status of Aliens Act, 1914, has been adopted or is in force, may be proved in any legal proceeding by the production of the original certificate or of any copy thereof, certified to be a true copy by the officer or person authorized to issue such naturalization certificates, or by any person authorized by him in that behalf

22. Entries in any register made in pursuance of this Chapter may be proved by such copies and certified in such manner as may be directed by the Colonial Secretary, and the copies of any such entries shall be evidence of any matters, by this Chapter or by any regulation of the Governor or in Council authorized to be inserted in the register.

23. If any person for any of the purposes of this Chapter knowingly makes any false representation or any statement false in a material particular, he shall be liable on summary conviction in respect of each offence to imprisonment with or without hard labor for any term not exceeding three months.

24. The oath of allegiance shall be in the form set out in the second Schedule to this Chapter.

SUPPLEMENTAL.

25. Nothing in this Chapter shall affect the grant of letters of denization by His Majesty.

26. (1) In this Chapter, unless the context otherwise requires:—

The expression “British subject” means a person who is a natural-born British subject, or a person to whom a certificate of naturalization has been granted.

• The expression “alien” means a person who is not a British subject.

The expression “certificate of naturalization” means a certificate of naturalization granted under this Chapter or under any Act repealed by this Chapter or by any other Act.

The expression “disability” means the status of being a married woman, or a minor, lunatic, or idiot.

The expression "territorial waters" includes any port, harbor, or dock.

The expression "Secretary of State" means one of His Majesty's principal Secretaries of State for the time being.

The expression "British Possession" shall mean any part of His Majesty's dominions exclusive of the United Kingdom, and, when parts of such Dominion are under both a central and a local legislature, all parts under the central Legislature shall, for the purposes of this definition, be deemed to be one British possession.

- (2) Where, in pursuance of this Chapter, the name of a child is included in a certificate of naturalization granted to his parent, such child shall, for the purpose of this Chapter, be deemed to be a person to whom a certificate of naturalization has been granted.

FIRST SCHEDULE.

LIST OF DOMINIONS.

The Dominion of Canada.

The Commonwealth of Australia (including for the purposes of this Chapter the territory of Papua and Norfolk Island).

The Dominion of New Zealand.

The Union of South Africa.

SECOND SCHEDULE.

OATH OF ALLEGIANCE.

"I, A. B., swear by Almighty God that I will be faithful and bear true allegiance to His Majesty George the Fifth, His Heirs and Successors, according to law."

CHAPTER 79.

Of the Immigration of Chinese Persons.

SECTION

- 1.—Persons of Chinese origin to pay a tax of \$300; Exemptions.
- 2.—Number of Chinese immigrants to be carried by one vessel.
- 3.—Master of vessel not to land immigrants without permit.
- 4.—Permit may be granted after bill of health granted.
- 5.—No permit to be granted in respect of certain persons.
- 6.—Sub-Collector shall furnish a certificate to each immigrant.
- 7.—Register of certificates.
- 8.—Master to be liable for tax and shall deliver a list of passengers and crew.
- 9.—Penalty for offence against Act by master of vessel.

SECTIONⁱ

- 10.—Respecting persons of Chinese origin in transit.
- 11.—Respecting persons of Chinese origin leaving colony and intending to return.
- 12.—Penalties for evasion or attempted evasion of provisions of Act.
- 13.—Penalties for taking part in Chinese Courts.
- 14.—Penalty for molesting officer.
- 15.—General penalty.
- 16.—Procedure.
- 17.—Disposition of taxes and penalties.
- 18.—Governor in Council may make regulations.
- 19.—Interpretation section.
- 20.—Governor in Council may prescribe forms, &c.

1. (1) Every person of Chinese origin, irrespective of allegiance, shall, on entering this Colony, pay at the port or place of entry a tax of three hundred dollars (\$300.00) except the following persons, who shall be exempt from such payment, that is to say:

- (a) The members of the Diplomatic Corps, or other Government representatives, their suites and their servants, and Consuls and Consular Agents;
- (b) Clergymen, the wives and children of clergymen, tourists, men of science and students, merchants and the wives and children of merchants, who shall substantiate their status to the satisfaction of the Assistant Collector, Sub-Collector or other proper officer of Customs, subject to the approval of the Minister of Finance and Customs, or who are bearers of certificates of identity, specifying their occupation and their object in coming into this Colony, or other similar documents issued by the Government or by a recognized official or representative of the Government whose subjects they are;
- (c) In the case of a person of Chinese origin who is the personal attendant or servant of a British subject visiting this Colony, the tax payable under the first sub-section of this sec-

tion may be refunded to the person paying the same, upon his furnishing satisfactory evidence that such Chinese attendant or servant is leaving the port of entry with his employer or master on his return to China, if within twelve months of the date of his arrival in this Colony, and upon returning to the Assistant Collector, Sub-Collector or other proper officer of such port the certificate referred to in the sixth section hereof.

(2) Every such certificate or other document shall be in the English or French language, and shall be examined and endorsed by a British Consul or Charge d'Affaires, or other accredited representative of His Majesty, at the place where it is granted, or at the port or place of departure.

(3) Persons of Chinese origin claiming on their arrival to be students, but who are unable to produce the requisite certificate as hereinbefore provided for, shall be entitled to a refund of the tax exacted from them on the production within eighteen months of the date of their arrival in this Colony of certificates from teachers in any School or College in this Colony showing that they are and have been for at least one year *bona fide* students in attendance at such School or College.

(4) Any woman of Chinese origin who is the wife of a person who is not of Chinese origin shall, for the purpose of this Chapter, be deemed to be of the same nationality as her husband; and the children of the said wife and husband shall be deemed to be of the same nationality as the father.

2. No vessel carrying Chinese immigrants to any port in this Colony shall carry more than one such immigrant for every fifty tons of its tonnage; and the owner of any such vessel who carries any number in excess of the number allowed by this section shall incur a penalty of two hundred dollars for each Chinese immigrant so carried in excess of such numbers.

3. (1) No master of any vessel carrying Chinese immigrants shall land any person of Chinese origin, or permit any to land from such vessel, until a permit to do so, stating that the provisions of this Chapter have been complied with, has been granted to the master of such vessel by the Assistant Col-

lector, Sub-Collector or other proper officer; and every master of a vessel who violates the provisions of this section shall incur a penalty of five hundred dollars.

- (2) The landing of a person of Chinese origin from a vessel wherever referred to in this Chapter shall not be held to apply to the landing of such person on the wharf and the placing of him in a proper building where he may remain until the provisions of this Chapter have been complied with and the Assistant Collector, Sub-Collector or other proper officer has given his authority for his departure therefrom, or to the temporary landing of any Chinese sailor for the purpose of assisting in the lading and unlading of the vessel to which he belongs or for the purpose of his transfer to another vessel, and such person or sailor, while in such building or while so employed or waiting such transfer, shall for the purposes of this Chapter be held to be on board the vessel by which he arrived. This provision, however, shall not allow the placing of such person in such building until all quarantine requirements have been complied with.

4. No Assistant Collector, Sub-Collector or other proper officer at any port shall grant a permit allowing Chinese immigrants to land, until the Quarantine or Health Officer has granted a bill of health and has certified, after due examination, that no leprosy or infectious, contagious, loathsome or dangerous disease exists on board such vessel; and no permit to land shall be granted to any Chinese immigrant who is suffering from leprosy or from any infectious, contagious, loathsome or dangerous disease.

5. (1) No Assistant Collector or Sub-Collector of Customs or other officer charged with the duty of assisting in carrying the provisions of this Chapter into effect shall grant a permit allowing to land from any vessel, either as an immigrant or as an exempt, or as in transit, any person of Chinese origin who is—

- (a) A pauper or likely to become a public charge;
- (b) An idiot or insane;
- (c) Suffering from any loathsome, infectious or contagious disease;

(d) A prostitute or living on the prostitution of others.

- (2) All such persons are prohibited from entering this Colony; and if they enter they shall be liable to imprisonment for a term not exceeding six months, and shall in addition be liable to deportation, and the master, conductor or other person who knowingly lands or brings or assists or permits to land in this Colony, any such person of Chinese origin, shall also be liable to a penalty not exceeding two hundred dollars, or to imprisonment for a term not exceeding six months.

6. The Assistant Collector, Sub-Collector or other proper officer shall deliver to each Chinese immigrant who has been permitted to land or enter, and in respect of whom the tax has been paid as hereinbefore provided, a certificate containing a description of such individual, the date of his arrival, the name of the port of his landing and an acknowledgment that the tax has been duly paid and such certificate shall be *prima facie* evidence that the person presenting it has complied with the requirements of this Chapter; but such certificate may be contested by His Majesty or by any officer charged with the duty of carrying this Chapter into effect, if there is reason to doubt the validity or authenticity thereof, or of any statement therein contained; and such contestation shall be heard and determined in a summary manner by any Stipendiary Magistrate where such certificate is produced.

7. The Assistant Collector of Customs, and such Sub-Collectors as are by him authorized to do so, shall each keep a register of all persons to whom certificates of entry have been granted.

8. Every master of any vessel bringing Chinese immigrants to any port or place in this Colony shall be personally liable to His Majesty for the payment of the tax imposed by this Chapter in respect of any such immigrant carried by such vessel, and shall deliver, together with the total amount of such tax, to the Assistant Collector, Sub-Collector, or other proper officer, immediately on his arrival in port and before any of his Chinese crew or passengers disembark, a complete and accurate list of his crew and such passengers, showing their names in full, the country and place of their birth, and the occupation and last place of domicile of each of such immigrant passengers.

9. Every master of any vessel who lands or allows to be landed off or from any vessel any Chinese immigrant before the tax payable under this Chapter has been duly paid, or who wilfully makes any false state-

ment respecting the number of persons on board his vessel shall, in addition to the amount of the tax payable under the foregoing provisions of this Chapter, be liable to a penalty not exceeding one thousand dollars and not less than five hundred dollars for every such offence, and in default of payment to imprisonment for a term not exceeding twelve months; and such vessel shall be forfeited to His Majesty, and shall be seized by an officer charged with the duty of carrying this Chapter into effect, and dealt with accordingly.

10. Persons of Chinese origin may pass through this Colony in transit from one port or place out of this Colony to another port or place out of this Colony without payment of the tax provided for by section 1 of this Chapter; provided that such passage is made in accordance with and under such regulations as are made for the purpose by the Governor in Council; and any railway or other transportation company which undertakes to transport such persons through this Colony, and fails to comply with such regulations, shall be subject to a penalty not exceeding five hundred dollars.

11. (1) Every person of Chinese origin who wishes to leave this Colony, with the declared intention of returning thereto, shall give written notice of such intention to the Assistant Collector, Sub-Collector or other proper officer at the port or place whence he purposes to sail or depart, in which notice shall be stated the foreign port or place which such person wishes to visit, and the route he intends taking both going and returning, and such notice shall be accompanied by a fee of one dollar; and the Assistant Collector, Sub-Collector or other proper officer shall thereupon enter in a register to be kept for the purpose, the name, residence, occupation and description of the said person, and such other information regarding him as is deemed necessary under such regulations as are made for the purpose.

(2) The person so registered shall be entitled on his return, if within two years of such registration, and on proof of his identity to the satisfaction of the Assistant Collector, Sub-Collector or other proper officer, (as to which the decision of the Assistant Collector, Sub-Collector or other officer shall be final) to free entry as an exempt or to receive from the Assistant Collector, Sub-Collector, or other proper officer, the amount of the tax, if any, paid by him on his return;

but if he does not return to this Colony within two years from the date of such registration, he shall, if returning after that date be subject to the tax payable under the provisions of section 1 of this Chapter in the same manner as in the case of a first arrival.

12. Every person of Chinese origin who wilfully evades or attempts to evade any of the provisions of this Chapter as respects the payment of the tax, by personating any other individual, or who wilfully makes use of any forged or fraudulent certificate to evade the provisions of this Chapter and every person who wilfully aids or abets any such person of Chinese origin in any evasion or attempt at evasion of any of the provisions of this Chapter, is guilty of an indictable offence, and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both.

13. Every person who takes part in the organization of any sort of court or tribunal composed of Chinese persons, for the hearing and determination of any offence committed by a Chinese person, or in carrying on any such organization, or who takes part in any of its proceedings, or who gives evidence before any such Court or tribunal, or assists in carrying into effect any decision, decree or order of any such Court or tribunal, is guilty of an indictable offence and liable to imprisonment for any term not exceeding twelve months, or to a fine not exceeding five hundred dollars, or to both; but nothing in this section shall be construed to prevent Chinese persons from submitting any differences or disputes to arbitration, provided such submission is not contrary to the laws in force in this Colony.

14. Every person who molests or hinders any officer or person appointed to carry the provisions of this Chapter into effect is guilty of an indictable offence and liable to imprisonment for a term not exceeding twelve months, or to a fine not exceeding five hundred dollars.

15. Every person who violates any provisions of this Chapter for which no special punishment is herein provided, is guilty of an indictable offence and liable to a fine not exceeding five hundred dollars, or to imprisonment for a term not exceeding twelve months.

16. All suits or actions for the recovery of taxes or penalties under this Chapter, and all prosecutions for contraventions of this Chapter which are not herein declared to be indictable offences, shall be tried before one or more Justices of the Peace, or before a Stipendiary Magistrate.

17. All taxes, pecuniary penalties, and revenues from other sources under this Chapter shall be paid into and form part of the Newfoundland Government Exchequer Account.

18. The Governor in Council may make such regulations as are necessary to prohibit the entry into this Colony of any greater number of persons from any foreign country than the laws of such country permit to emigrate to this Colony.

19. In this Chapter, unless the context otherwise requires—

(a) The expression “master” means any person in command of or in charge of any vessel.

(b) The expression “Chinese immigrant” means any person of Chinese origin (including any person whose father was of Chinese origin) entering this Colony and not entitled to the privilege of exemption provided for by section 1 of this Chapter.

(c) The expression “tonnage” means the gross tonnage according to the measurement fixed by the Merchant Shipping Acts of the Parliament of the United Kingdom.

20. The Governor in Council may prescribe any forms for certificates, warrants, declarations, and otherwise, as may be required for the purposes of this Chapter.

CHAPTER 80.

Of the Protection of Esquimaux and Indians.

SECTION

1.—No person to contract with or induce Es-
quimaux or Indians to leave this colony.

SECTION

2.—Penalty and recovery thereof.
3.—Interpretation.

1. Without the permission of the Governor in Council first obtained, it shall be unlawful for any person to enter into any agreement with any Esquimaux, or any Nascopee, or Mountaineer Indian to leave this Colony or its Dependencies for the purpose of performing any services in any place outside this Colony or its Dependencies, or to pay or promise to pay any money, or give or promise to give any article to any Esquimaux, Nascopee, or Mountaineer Indian as a reward or inducement for leaving this Colony or its Dependencies, or to transport or furnish the means of transporting any Esquimaux, Nascopee or Mountaineer Indians from this Colony or its Dependencies to any place outside this Colony; provided that nothing in this section shall prevent the employment of Esquimaux, Nascopee or Mountaineer Indians by any person for the purpose of fishing, hunting or exploring upon any part of the coast or territories of Canadian Labrador.

2. Any person violating any of the provisions of the first section of this Chapter shall be liable to a penalty not exceeding five hundred dollars, or in default of payment, to imprisonment not exceeding six months, to be recovered or imposed upon the complaint of any person in a summary manner before a Stipendiary Magistrate.

3. In this Chapter "Esquimaux" shall mean native residents of the Coast of Labrador who are commonly known as Esquimaux.

TITLE XIV.

OF EDUCATION.

CHAPTER 81.

Of Education.

SECTION

- 1.—Short title.
- 2.—Definitions.
- 3.—Parts of chapter.
- 4.—Local Education authorities.
- 5.—Appointment and Constitution of Boards.
- 6.—Duties, etc., of Boards.
- 7.—Obligations of certain Boards.
- 8.—Audit of accounts.
- 9.—Uncertified teachers.
- 10.—Property vested in Board.
- 11.—Actions by and against Boards.
- 12.—Signature of documents.
- 13.—Vacancies on Boards.
- 14.—Removal of Board.
- 15.—Superintendent acting as Board.
- 16.—Common schools.
- 17.—Regulations.
- 18.—Operation of sections 16 and 17.
- 19.—Colleges to be established.
- 20.—Inspection.
- 21.—Management.
- 22.—Church of England Board of Directors.
- 23.—Roman Catholic Board of Directors.
- 24.—Methodist Board of Directors.
- 25.—Presbyterian Board of Directors.
- 26.—Boards of Directors for other denominations.
- 27.—Powers, etc., of Boards of Directors.
- 28.—Annual Reports.
- 29.—Facilities for training teachers.
- 30.—Council of Higher Education.
- 31.—Quorum of Council.
- 32.—Incorporation of Council.
- 33.—Powers, etc., of Council.
- 34.—Officers.
- 35.—Meetings.
- 36.—Annual report.
- 37.—Register.
- 38.—Publication of syllabus, etc.
- 39.—Teachers' diplomas.
- 40.—Jubilee University Scholarship.
- 41.—Junior Jubilee Collegiate Scholarships.
- 42.—Senior Jubilee Collegiate Scholarships.
- 43.—Boards of Examiners; appointment.

SECTION

- 44.—Duties, etc.
- 45.—May work conjointly.
- 46.—Grades of teachers' certificates.
- 47.—General Qualifications for Certificates.
- 48.—Cessation of teaching; effect on certificate.
- 49.—Grade certificates essential: proviso.
- 50.—Training institutions.
- 51.—Course of training.
- 52.—Examinations.
- 53.—Training for higher grade.
- 54.—Engagement of teachers.
- 55.—Must teach for school year.
- 56.—Salary—how calculated.
- 57.—Salary—how paid.
- 58.—Duties of teachers.
- 59.—Augmentation of salary.
- 60.—Superintendents; appointment.
- 61.—Superintendents; to be sworn.
- 62.—Inspectors; appointment for certain denominations.
- 63.—Inspection of schools of other denominations.
- 64.—Assistant Superintendents—appointment.
- 65.—Special Inspectors.
- 66.—Duties of Superintendents.
- 67.—Delegation of duties.
- 68.—Salaries.
- 69.—Not to engage in trade.
- 70.—Teachers' Pension Fund.
- 71.—Grant for education.
- 72.—Population, how estimated.
- 73.—Mode of payment of grant.
- 74.—Unexpended balances.
- 75.—Uncontrolled appropriations.
- 76.—Payments, by whom made.
- 77.—Audit of accounts.
- 78.—Control of religious instruction.
- 79.—Corporal punishment.
- 80.—Age of admission.
- 81.—Governor to be a visitor.
- 82.—School visitors.
- 83.—Repeal.
- 84.—Schedules.

1. This Chapter may be cited for all purposes as "The Education Act."

2. In this Chapter, unless the context otherwise requires, the several words and expressions hereinafter mentioned shall have the meaning following:

- (1) "Educational District" or "District":—To facilitate the administration of general elementary education for each religious denomination organized for educational purposes under this Chapter, the Colony shall for each such religious denomination be divided into a number of areas of convenient dimensions, which shall be known as "Educational Districts" or, briefly, "Districts," as set out in Schedule A. of this Chapter.
- (2) "Board of Education" or "Board":—The general organization of elementary education in each district as defined above shall be under the management of a number of persons appointed or to be appointed as hereinafter set forth, who shall be known collectively as the "Board of Education" for such district, or, briefly, as "the Board."
- (3) "Public School" or "High School" shall mean a public school, ducted by the authority of, and receiving financial aid from, the Board of Education for the District.
- (4) "Superior School" or "High School" shall mean a public school, established in a central and populous locality, in which not less than twenty pupils per annum are studying subjects prescribed for Standards four and upwards in Schedule B. of this Chapter, and for which there are provided by the Board (1), a certificated teacher of the First Grade, and (2), a separate and well-equipped school-house or apartment.
- (5) "Sparsely Populated Locality" shall mean an area within a district in which the residents of any one denomination within the area are widely scattered.
- (6) "Technical Education" includes practical instruction in:
 - (a) The use of tools, and modelling in clay, wood, or other material.
 - (b) Household Science in its several branches.
 - (c) The application of science to the industry, commerce, or trade of the Colony.
- (7) "School Year" or "Year" shall mean a year consisting of two hundred school days (Sundays, Saturdays and certain other days hereinafter named not being school days) held between the first day in July in any year, and the thirtieth day of June in the year immediately following.

(8) "School Day" or "Day" shall mean a day consisting of two school sessions of three hours' and two hours' duration respectively, separated by an interval of not less than half an hour.

(9) The "School Quarter" or "Quarter" shall consist of fifty days, or one hundred sessions.

(10) The "School Month" or "Month" shall consist of twenty days, or forty sessions.

3. This Chapter is divided into ten parts, relating to the following subject-matters:

The First Part.—To the creation of Districts and the appointment of Boards for Elementary Education, and to the powers and duties of such Boards.

The Second Part.—To Colleges.

The Third Part.—To the Council of Higher Education.

The Fourth Part.—To scholarships.

The Fifth Part.—To the training and classification of teachers.

The Sixth Part.—To the engagement, salaries, and duties of teachers.

The Seventh Part.—To the superintendence and inspection of schools and colleges and general administration.

The Eighth Part.—To the establishment and administration of the Teachers' Pension Fund.

The Ninth Part.—To educational finance.

The Tenth Part.—To miscellaneous matters

PART I.

DISTRICTS AND BOARDS FOR ELEMENTARY EDUCATION.

4. (1) For the purposes of general elementary education the unit area of control and management shall be a District, and the authority therein shall be the proper Board of Education. The boundaries of the several districts shall be as set forth in Schedule A. to this Chapter.

(2) The Governor may, by Order in Council, from time to time, as occasion shall require, upon recommendation of the Super-

intendent, alter and change the boundaries of districts defined in this Chapter, and constitute new districts for the purposes of this Chapter, and such Order shall be published in the *Royal Gazette* and laid before the Legislature in the ensuing session. All school property vested in the Board of any district subdivided in accordance with the provisions of this section shall vest in the Boards of the new districts so constituted, according as such property is situated within the boundaries of such new districts.

5. (1) In each district the Governor in Council shall appoint a Board of Education consisting of five or seven persons of the same religious denomination as the residents of the district and representative of the most important parts of the district, one of whom shall be the senior clergyman or other officer of the denomination of the district. In districts where Superior or High Schools are or may be established the Board may consist of nine persons, and in the Districts of St. John's of nine or more persons.

- (2) One lay member of the Board shall retire annually, but shall be eligible after one year for re-appointment. Retirement shall be in order of seniority of appointment.

- (3) For the transaction of business a majority of the members of the Board shall be a quorum.

6. The duties, functions and powers of a Board of Education shall be:

- (1) To organize the means of elementary education within its district by opening and maintaining schools in places most convenient to the majority of the residents, and by such other means within its power as may be consistent with the provisions of this Chapter.

- (2) Subject to the approval of the proper Superintendent of Education, who shall satisfy himself that the conditions pertaining to Superior or High Schools will be fulfilled, to establish Superior or High Schools in the most central and populous localities.

- (3) To promote, if funds will permit, night schools and continuation classes in suitable localities for the purpose of providing the

means of education to those who can no longer attend the day schools.

- (4) To appoint and to dismiss teachers.
- (5) To prepare and transmit to the proper Superintendent correct annual returns of all schools under its control, together with a detailed statement of its accounts, duly audited, according to the form in Schedule C. to this Chapter: and any Board neglecting to transmit such returns and statement of accounts on or before the first day of September in each year shall, on the recommendation of the proper Superintendent, whose duty it shall be to make such representation within one month from the said date, be precluded from receiving further payments until such defaults shall be remedied.
- (6) To appoint one or more suitable persons as School Visitors to visit and supervise, subject to the order of the Board and provisions of this Chapter, schools held at a distance from the residence of the chairman or members of the Board.
- (7) To furnish to the proper Superintendent, when requested so to do, such information as he may require respecting the expenditure of its moneys, and details of the management of all schools under its management.
- (8) To notify to the proper Superintendent every appointment of a teacher, and every vacancy, from whatever cause arising.
- (9) To hold, on the first Wednesday in July of each year, or as soon as practicable thereafter, the annual meeting, and on other occasions, such other meetings as may be found necessary for the business of the Board. At the annual meeting the members of the Board shall appoint from its number a chairman and, if considered necessary by the Board, a secretary and other officers. At the annual meeting the accounts shall be submitted and audited, and such other business transacted as may be necessary. General meetings of Boards may be held at any time at the instance of the chairman or on requisition to the chairman by any two or more members, and in case of the chairman refusing or neglecting, upon requisition, to call such meeting within three days after such requisition has been delivered to him or left at his house, then such meeting may be called by such requisitionists. Every Board shall cause proper minutes

of its proceedings to be kept in a book provided by it for the purpose, which book shall at all times be open to inspection by the proper Superintendent. At every meeting of a Board the minutes of the previous meeting, corrected if necessary, shall be signed by the chairman or other person acting in his place.

- (10) Subject to the approval of the proper Superintendent, to prescribe courses of studies and text-books for the schools under its management.
- (11) To provide each school and separate department under its control with the following: a register of a form approved by the proper Superintendent, a log-book, and, as required, chalk and ink.
- (12) To make arrangements for the systematic visiting of all schools under its management by members of the Board or school visitors.
- (13) Wherever possible, to provide for the regular medical inspection of the schools at least once each half-year.
- (14) To organize, when necessary, the erection within its district of school buildings of sufficient capacity and provided with ample means of light and ventilation, and the maintenance of existing school buildings in a proper state of repair.
- (15) To make arrangements for a proper supply of fuel for the schools and for the cleaning of all schools, for which purposes the Board is empowered to charge the pupils a special fee over and above the regular fees.
- (16) To see that as far as possible all schools are provided with a sufficient supply of suitable furniture and apparatus as prescribed in Schedule D. to this Chapter.
- (17) Generally to arrange for the proper care of all school buildings and premises, and to awaken a strong public sentiment among the people in favour of education.
- (18) To manage and expend all moneys allocated to the Board for educational purposes from whatever source; provided that not less than nine-tenths of the allocation to the Board from the grants of the Legislature for general educational

purposes and for Superior or High Schools shall be expended in salaries to teachers.

- (19) To make by-laws, rules and regulations in accordance with the provisions of this Chapter for the establishing and management of schools within its district, all of which bye-laws, rules and regulations shall be subject to the approval of the Governor in Council before being put into effect.
- (20) To appropriate any surplus funds at its disposal towards the support of any schools in other districts, or toward the maintenance of any school for elementary education within its district not directly under its control; provided that all such schools shall be subject to inspection in the same manner as and furnish reports similar to those of other schools supported under this Chapter.
- (21) To appoint the periods of vacation in the schools under its management.
- (22) To purchase, hold, sell and convey property of every description, as occasion may require, for educational purposes: Provided that in all sales by Boards of land and buildings the conveyance to the purchaser shall be in writing, and shall be valid when signed by the chairman and a majority of the members of the Board; but no money shall be appropriated for the purchase of lands or buildings, or for the erection of school-houses, unless the inhabitants of the locality requiring the same shall contribute at least an equal amount in money or kind for that purpose; and no grant shall be made for school-houses where the legal title to the site thereof shall not be vested in the Board for the District.
- (23) To have prepared and kept in safe keeping all titles to landed and other properties belonging to the Board.
- (24) To determine, subject to the approval of the Governor in Council, what scale of fees shall be charged in the several schools under its management: Provided, however, that the minimum scale shall be in accordance with Schedule M. to this Chapter.

7. The following obligations are hereby imposed upon the following Boards of Education:

- (1) The Roman Catholic Board of Education for the District of Harbor Grace and Carbonear shall receive and expend in accordance with this Chapter the moneys allocated to the said Board under Schedule E. of this Chapter.
- (2) There shall be annually appropriated by the Roman Catholic Board of Education for the District of St. John's, the sum of seven hundred dollars towards the support of St. Patrick's School. And there shall be annually appropriated by the said Board and paid to the Roman Catholic Archbishop of St. John's towards the support of the Presentation Convent Schools in St. John's East, the sum of one thousand dollars, and towards the support of the Presentation Convent Schools in St. John's West, the sum of five hundred dollars. The aforesaid sums shall be paid upon the production of the certificate of the Roman Catholic Superintendent that such schools have been in active operation for the period for which the said amounts are payable.

8. The accounts of every Board shall be subject to audit in accordance with section 77 of this Chapter.

9. No uncertificated teacher shall be employed by any Board in any public school unless the said teacher has a license in accordance with section 49 of this Chapter.

10. All property of every description now vested for educational purposes in the chairman or members of any Board of Education shall henceforth vest in the said Board and descend to its successors.

11. Any Board of Education may sue or be sued in the name of the Board, or of the chairman, or of any person duly authorized by the Board for that purpose.

12. All deeds and other documents requiring signature on behalf of the Board shall be signed by the chairman, unless the Board shall otherwise direct, save and except as otherwise provided by section 6, sub-section (22) of this Chapter.

13. Any member of a Board who shall die, resign his membership, remove his residence from the district, or absent himself from the district for a period of six calendar months, shall thereby vacate his appointment, and the vacancy thereby created may be filled by the Governor in Council.

14. The Governor in Council may remove the existing Board of Education in any district and appoint a new Board in its place whenever he considers it expedient in the cause of education in the district so to do.

15. If from any cause, in any district, there shall be no Board of Education existing, or there shall be any area outside the jurisdiction of any existing Board, it shall be competent for the proper Superintendent of Education, and he is hereby empowered, to act as a Board within the said district or area for the residents therein of the denomination for which he is Superintendent, until such time as the Governor in Council shall appoint a Board for the said district or area.

16. Any Boards of Education of different denominations, whose districts coincide geographically in whole or in part, may effect arrangements whereby a common school or common schools may be established and maintained by the said Boards in any locality or localities within their common area in which the population of each of the consenting denominations is too small to justify the respective Boards in establishing and maintaining separate or denominational schools.

17. Such common schools shall not be established without the approval in writing of each of the proper Superintendents, and shall be conducted in accordance with such rules and regulations as may be agreed upon by the several Boards immediately concerned, and approved by the Governor in Council. Any arrangement entered into for the establishment of such common schools shall be determinable by any of the contracting Boards by giving to each of the others six months notice in writing to that effect. The buildings in which such common schools are conducted shall not be held in common by the Boards, but may be the property of one of the Boards.

18. Nothing in the two preceding sections contained shall be construed as interfering in any way with the principle of denominational education which is by law established in this Colony.

PART II.

COLLEGES.

19. There shall be established in St. John's for the higher education of both sexes a Church of England College, a Methodist College and a Presbyterian College, and for males a Roman Catholic College.

20. Such Colleges shall be subject to annual inspection by the Superintendents of their respective denominations, as in the case of other schools receiving aid under this Chapter.

21. There shall be Boards of Directors for the said several Colleges, to be appointed by the Governor in Council, which Boards of Directors shall be bodies corporate and politic, having a common seal, with full power to make, alter and change the same, and shall have full power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts within this Island and to take, hold and convey lands, moneys and chattels, and to do and execute all such other matters and things as to each of the said Boards of Directors shall appertain.

22. The Board of Directors of the Church of England College shall consist of any number of members of the Church of England not exceeding twenty-one, of whom seven shall be a quorum, and shall be known as the "Directors of the Church of England College." They shall be so nominated by the Diocesan Synod of the Church of England, and the names of such persons as shall, from time to time, be so nominated shall be certified by the Secretary of the Synod to the Colonial Secretary within one month of such nomination. It shall be lawful for such Directors to depute the general control and management of the College to an executive body selected from themselves, and not exceeding nine in number.

23. The Board of Directors of the Roman Catholic College shall consist of not less than nine members of the Roman Catholic Church, a majority of whom shall form a quorum, and shall be known as the "Directors of the Roman Catholic College." They shall be nominated by the Roman Catholic Archbishop of St. John's and the Roman Catholic Bishops of Harbor Grace and St. George's.

24. The Board of Directors of the Methodist College shall be known as the "Governors of the Methodist College," and shall consist of any number of members of the Methodist Church not exceeding forty, of whom nine shall be a quorum. They shall be nominated by the General Con-

ference of the Methodist Church, and the names of such Governors as shall be nominated from time to time shall be certified under the seal of the said Conference to the Colonial Secretary within one month of such nomination. It shall be lawful for the Governors of the Methodist College to depute the general control and management of the College to an executive body selected from themselves, and not exceeding eleven in number.

25. The Board of Directors of the Presbyterian College shall consist of nine members of the Presbyterian Church, a majority of whom shall be a quorum, and shall be known as the "Directors of the Presbyterian College." They shall be appointed every two years, and shall be nominated by the congregation of St. Andrew's Church in the city of St. John's at one of their annual meetings, and the names of such persons so nominated shall be certified by the secretary of the said congregation to the Colonial Secretary within one month of such nomination. The Minister of St. Andrew's Church for the time being shall be *ex officio* a member of the said Board of Directors.

26. The Governor in Council may appoint Boards of Directors for denominations other than the Church of England, Roman Catholic, Methodist and Presbyterian, for the purpose of expending the moneys appropriated under section 71 of this Chapter.

27. The said Boards of Directors shall have the power to appoint a headmaster and other teachers of their respective denominations for their respective Colleges, to prescribe the various branches of learning to be taught, and the terms and vacations to be kept in the said Colleges, to arrange, if possible, for the medical inspection of the College each half year; to fix the rates of fees to be paid by the students, subject to the approval of the Governor in Council, and to appropriate such fees either towards increasing the salaries of the said teachers or towards defraying the incidental expenses of their respective Colleges, as may be necessary, which by-laws and rules shall be subject to the approval of the Governor in Council.

28. The said Boards shall, on or before the first day of September in each year, transmit to the proper Superintendent reports of the condition and progress of their College, and a detailed account, duly audited, of income and expenditure, to be laid before the Legislature, in accordance with the forms prescribed in Schedules C. and L. to this Chapter.

29. Colleges shall afford facilities for the illustration and practice

of the most approved methods of teaching and the organization and management of schools, to such pupil teachers as shall be duly appointed to be trained therein.

PART III.

COUNCIL OF HIGHER EDUCATION.

30. The Governor in Council shall appoint a Board consisting of thirty-one members, of whom the six Superintendents and Assistant Superintendents of Education, and the headmasters of the Colleges mentioned in section nineteen of this Chapter, shall be members *ex officio*, and the remaining twenty-one members of the said Board shall hold office for three years only, but may be re-appointed. The said Board shall be known as and called "The Council of Higher Education," and hereinafter in this Chapter shall be called "the Council."

31. Eleven members of the Council present at any meeting shall be a quorum for the transaction of business.

32. The Council shall be a body corporate and politic by the said name of "The Council of Higher Education," and shall have a common seal, with full power to make, alter and change the same, and shall have perpetual succession and full power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts in this Colony, and to do and execute all such other matters as to the Council may appertain.

33. The powers, duties and functions of the Council shall be:

- (1) To promote sound learning and to advance the interests of Higher Education by holding examinations and by awarding diplomas, prizes and scholarships to successful candidates at such examinations.
- (2) To prescribe the subjects, manner, time and place of examinations, and to make such rules, regulations and bye-laws as may be necessary in connection therewith, or with the awarding of diplomas, prizes, premiums and scholarships, which rules, regulations and bye-laws shall be subject to the approval of the Governor in Council.
- (3) To nominate and appoint examiners and such other officers

as may be necessary for the purposes of the Council and for the management of its affairs.

34. There shall be a President and two Vice-Presidents of the Council, who shall be elected by the Council at the annual meeting thereof in every year.

35. The annual meeting of the Council shall be held in the month of September in every year, but special meetings may be called at any time by the President, upon the requisition of any three members of the Council.

36. An annual report of the proceedings of the Council, together with a statement of its accounts, shall every year be laid upon the table of both branches of the Legislature within one month of the opening thereof.

37. The Council shall keep a register, in which shall be recorded the names and additions of all candidates and teachers to whom diplomas, prizes, premiums or scholarships shall have been awarded.

38. The rules and bye-laws of the Council and the syllabus of subjects for examination shall be published at least six months before such examination.

39. A candidate presenting himself for examination before any of the Boards of Examiners appointed under section 43 of this Chapter, with a view of obtaining a certificate of grade, shall be exempt from examination in any subject in which he has passed an equivalent examination under the Council and obtained its diploma.

PART IV.

SCHOLARSHIPS.

40. There shall be a scholarship of the value of twelve hundred dollars, to be known as "The Jubilee University Scholarship," which shall be competed for annually. The scholarship shall be paid conditionally in three annual instalments of four hundred dollars each. Candidates for this scholarship shall be under twenty years of age, shall be natives of this Colony, or shall have resided in this Colony for a period of five years, and shall have attended one or more schools of this Colony, for which moneys are appropriated under this Chapter, for at least two years. The

said scholarship shall be awarded to the candidate who shall pass the Senior Associate in Arts examination of the Council in any year, in such subjects as the Council shall from time to time prescribe, and, if there are competitors, then to the candidate who shall pass highest in such examination. If the holder of the said scholarship shall be elected to a Rhodes' scholarship, the said scholarship shall be forthwith vacated. The said scholarship shall be subject to the condition that the holder shall prosecute his studies for not less than two years at a British or Colonial University approved by the Council, and that he shall pass his terminal or class examination in such University, and that at the end of the first and second years of his attendance at such University he shall produce to the Council certificates of his progress and good conduct. Upon such certificates being approved by the Council, the secretary of the said Council shall certify in writing to the Colonial Secretary that the student is entitled to the payment of the scholarship for the following year, and the said scholarship shall thereupon be paid. If the holder of the said scholarship shall not proceed to one of the Universities aforesaid, within fifteen months of the time the said scholarship shall be awarded to him, the said scholarship shall be forthwith vacated. If no person shall present himself for, or if no person shall pass in such Senior Association in Arts examination, or if from any cause whatsoever the said scholarship shall be vacated, the moneys apportioned for the purposes of this scholarship shall be paid to the Council, to be applied by them in scholarships of such number and value as they may deem expedient.

41. There shall be two scholarships, to be known as "The Junior Jubilee Collegiate Scholarships," of one hundred dollars each, which shall be competed for annually at the examinations of the Council. The said scholarships shall be open to competition by students from the schools of this Colony which are situate outside the several educational districts of St. John's, for which sums of money are appropriated under this Chapter, and shall be subject to the condition that each successful candidate shall attend in residence at some one of the Colleges or Convent Schools in St. John's for the academic year following such examination. The said scholarships shall be awarded to the two students who shall pass highest in the Preliminary or Intermediate Grade examination, as the Council shall determine, and who shall be under fifteen years of age.

42. There shall be a Senior Jubilee Collegiate Scholarship of one hundred dollars, which shall be competed for annually at the examinations of the Council. The said scholarship shall be open to competition by students from the schools of this Colony which are situate outside of the

several educational districts of St. John's, for which sums of money are appropriated under this Chapter. The said Scholarship shall be awarded to the candidate who shall be under seventeen years of age and shall pass highest in the Intermediate Grade at such examination; and shall be subject to the condition that the successful candidate shall attend in residence at one of the Colleges or Convent schools in St. John's for the academic year following such examination.

PART V.

TRAINING AND CLASSIFICATION OF TEACHERS.

43. For the purpose of organizing the training and classification of teachers, the Governor in Council shall appoint for each denomination comprising not less than ten thousand persons a Board of Examiners, to consist of three or five members of such denomination, of which Board the Superintendent of Education or superior educational officer is hereby constituted chairman: Provided that the Salvation Army Board of Examiners may consist of members of that denomination or of such other persons as may be recommended by the officer for the time being in charge of the Salvation Army in Newfoundland, and approved by the Governor in Council.

44. The powers, duties and functions of a Board of Examiners shall be:

- (1) To examine all candidates for the offices of pupil teacher and teacher.
- (2) To prescribe the text-books, scope and mode of the examinations for pupil teachers and teachers, consistent with the provisions of this Chapter.
- (3) To designate the times and places at which candidates shall present themselves for examination, and to make all such other rules and regulations as may by the Board be considered necessary for the proper discharge of its duties.
- (4) To grant teachers' certificates of grade to teachers or candidates in accordance with the provisions prescribed in Schedule F. to this Chapter, or with any such further regulations as a Board of Examiners may from time to time prescribe.

- (5) To cancel the certificate of any teacher who shall be guilty of drunkenness or immoral conduct.
- (6) To organize the education and professional training of candidates for teachers' certificates of grade.
- (7) To establish, if possible, hostels as places of residence for pupil teachers and teachers in training, or otherwise arrange suitable lodgings for them.
- (8) Generally to take such other steps, consistent with this Chapter, as to them may seem desirable, towards making the training of teachers suitable and sufficient for the needs of the schools of the Colony.

45. If at any time two or more Boards of Examiners shall agree to work conjointly as one Board of Examiners for their respective denominations, the Governor in Council, on the recommendation of the heads of the denominations directly concerned, is hereby empowered to grant authority to such Boards so to do, under such title as he shall think fit.

46. There shall be four grades of teachers' certificates, styled Associate Grade, First Grade, Second Grade, and Third Grade, respectively:

- (1) The Associate Grade teachers' certificate shall not be granted to any candidate who does not hold the certificate of Associate in Arts of the Council, and has not previously taught as a certificated teacher for a period of at least three years in a manner satisfactory to the Board of Examiners, and in accordance with the other requirements of this Chapter.
- (2) The First Grade teachers' certificate shall not be granted to any candidate who does not hold the Intermediate or higher grade diploma of the Council, and has not previously taught as a certificated teacher for at least two years in a manner satisfactory to the Board of Examiners and in accordance with the other requirements of this Chapter.
- (3) The Second Grade teachers' certificate shall not be granted to any candidate who does not hold the Preliminary or higher grade diploma of the Council and who has not previously taught as a graded teacher to the satisfaction of the Board of Examiners for at least half a school year.

(4) The Third Grade teachers' certificate shall not be granted to any candidate who does not hold the Preliminary or higher grade diploma of the Council, and has not furnished evidence satisfactory to the Board of Examiners that he or she is otherwise qualified, in a reasonable measure, to assume the responsibility of taking charge of a small elementary school.

(5) Provided that, in the case of candidates educated or trained outside the Colony, the several grades may be granted to them by the respective Boards of Examiners, if they are satisfied that the certificates held by the candidates are at least equal to those named in the several subsections above.

47. It shall be required of all candidates for a teachers' certificate of whatsoever grade, as a condition of eligibility for a teachers' certificate, that they satisfy the Board of Examiners that they are free from serious defect, are of good constitution, enjoy good health, bear a good moral character, and are duly qualified to give instruction to classes in physical exercises according to some well recognized system.

48. No teachers' certificate of grade shall be valid if the holder thereof shall cease to follow the regular occupation of a teacher for a period of three consecutive years; but it shall be competent for a Board of Examiners to issue to such person a new certificate of such grade as it deems proper, after submitting him or her to such examination or test as shall in the circumstances appear necessary, always provided that the provisions of this Chapter shall be observed.

49. No teacher shall be employed in the public schools provided for in this Chapter who does not hold a recognized certificate of grade; provided that persons not holding such certificates may receive from the proper Board of Examiners a license to teach and may be employed as teachers for a period not exceeding six months.

50. (1) The recognized institutions for training teachers shall be the Roman Catholic College, for male pupil teachers of the Roman Catholic denomination, and St. Bride's Academy in St. John's for females; the Church of England College, or such other school in the Colony as the Superintendent shall certify to be qualified for the purpose, for pupil teachers of the Church of England; the Methodist College for pupil

teachers of the Methodist Church; the Presbyterian College, and the principal school of the Salvation Army in St. John's.

- (2) Every candidate for the position of pupil teacher shall satisfy the requirements of Schedule G. to this Chapter, and, if approved by the Board of Examiners of his denomination according to the said schedule, such candidate may be indentured to the proper Superintendent according to Schedule H. to this Chapter.
- (3) Notwithstanding anything in the next preceding sub-section contained, pupil teachers recommended by Chairmen of Boards of Education for denominations not having recognized training schools may be indentured to either the Church of England or the Methodist Superintendent.
- (4) Minors may be parties to such indentures, which shall be binding upon all parties thereto as if such minors had been of full age at the time of executing the same.

51. The course of training may extend over one, two or three years, as the Board of Examiners shall determine; provided always that the said Board may, if the pupil teacher be found qualified to obtain it, grant a certificate at any time during his term of training.

52. Pupil teachers may be required to pass a quarterly examination before the Board of Examiners. The principals of the schools in which they are being trained shall submit to the proper Superintendent a quarterly report of their general progress and conduct; and should the examination of any pupil teacher, or such report, prove unsatisfactory, such pupil teacher may be admonished or dismissed, as the Board of Examiners shall determine.

53. A certificated teacher of good character desiring to qualify for a higher grade may, on the recommendation of the proper Superintendent, be admitted into any recognized College or training school for a period not exceeding twelve months, subject to the conditions prescribed in Schedule I. to this Chapter.

PART VI.

ENGAGEMENT, SALARIES AND DUTIES OF TEACHERS.

54. All teachers shall be engaged according to the form provided in Schedule J. to this Chapter. Three months' notice in writing shall be

deemed necessary when a Board shall no longer require the services of a teacher, or when a teacher desires to resign his situation: but any teacher guilty of drunkenness or immorality may be summarily dismissed by the Board without such notice.

55. Teachers in public schools, when engaged for a year, shall be required to keep school for two hundred whole days, or four hundred sessions, which period shall be called the school year.

56. The salary of every teacher of a public school, and the grant in augmentation thereof, shall be based upon the number of days during which he or she shall have regularly kept school in accordance with the provisions of this Chapter.

57. Teachers' salaries shall be paid by the month, and the grant in augmentation thereof shall be paid in the following manner:

- (1) The amount for half of the school year (from which there shall be deducted the pension premium for the full current school year), on or about December 31st, in each year.
- (2) The amount for the third quarter, on or about March 31st in each year.
- (3) The amount for the last quarter of the current school year, as soon after June 30th as possible.

58. It shall be the duty of every teacher of a public school:—

- (1) To hold school regularly each day in accordance with the provisions of this Chapter.
- (2) To teach diligently and faithfully all branches required to be taught in the school, in accordance with Schedule B. to this Chapter and the authorized regulations under it.
- (3) To maintain proper order and discipline in the school, and to see that the premises and property are, as far as possible, preserved from wilful and unnecessary damage and injury.
- (4) To report to the Board the need of apparatus, materials and repair.
- (5) To report to the Board the fact if the supply of fuel is not sufficient.

- (6) To see that suitable arrangements are made for the proper cleaning of the school and sanitary offices.
- (7) As the accredited agent of the Board to collect the fees of the pupils in accordance with section 6 of this Chapter, and keep a careful and accurate account of same.
- (8) To arrange for the regular and proper ventilation of the school-room.
- (9) To make provision in the time-table for physical exercises for the whole school for at least a short period each day, and to see that the exercises are performed with precision, rhythm, and accuracy.
- (10) To conduct the school in accordance with a regular time-table, a copy of which shall be placed in a conspicuous position on the walls of the school-room.
- (11) To keep a log-book, which the Board shall provide, and record therein regularly all matters of special interest in connection with the conduct of the school, such as the admission of new pupils, the withdrawal of pupils, examinations, promotions, difficulties of discipline and management, schemes of study, holidays, important events in relation to the school, lack of apparatus and equipment.
- (12) To keep a visitors' book which the Board shall provide, and enter therein the visits made to the school, and to present said book to every visitor with a request to make therein any remarks concerning the school suggested by his visit: provided that if teachers and Boards consider it a convenience, the one book may be used both as a log-book and a visitor's book.
- (13) To keep in the prescribed form the general entrance and the daily and other registers of the school, and to record therein the admission, promotion, removal or otherwise of the pupils of the school.
- (14) To give the Board and visitors access, at all times when desired by them, to the register, log-book, and visitors' book appertaining to the school.
- (15) To deliver up any school register, log-book, visitors' book, school-house key, or other property in his possession, on the writ-

ten demand or order of the chairman of the Board employing him, or, in his absence, of a majority of the said Board; and in case he shall wilfully refuse to do so, he shall not be deemed a duly qualified teacher, and may be suspended until he complies with the order.

- (16) To have, at the end of every half year, where practicable a public examination of his school, of which he shall give due notice to the Board, to any school visitors who reside near the school, and through the pupils to their parents and guardians.
- (17) To refrain from imparting to any pupil attending the school any religious instruction which may be objected to by the parent or guardian of such pupil.
- (18) To deliver to the proper Superintendent, when requested, or to any other person on his written order, the school registers, log-book and visitors' book, and to furnish any information which it may be in his power to give, respecting anything connected with the operations of his school, or in any wise affecting its interest or condition.
- (19) To make an annual return for his school to the chairman of the Board, according to the form in Schedule L. to this Chapter prescribed.
- (20) To observe in a suitable way in the school Empire Day, to furnish promptly to the Superintendent an account of the day's proceedings, and generally to foster in the pupils a love of Country and Empire.
- (21) To set apart, with the approval of the Board, the last Thursday of May or the first Thursday of June in each year, or, if both the said dates shall be unsuitable, any suitable day before or afterwards, to be observed as an "Arbor Day" by the school, for improving or beautifying the school grounds by planting trees, shrubs, and plants, for the due observance of which day credit shall be given to the pupils and to the teacher for attendance as on an ordinary teaching day.

59. In addition to the salaries paid by Boards to teachers who have received certificates of qualification from, or whose qualifications are recognized by any Board of Examiners appointed under this Chapter,

there shall be paid to such teachers a sum in augmentation thereof out of moneys provided for this purpose by the Legislature according to grade and years of service, and in accordance with other conditions set forth in section 71 and Schedule K. to this Chapter.

PART VII.

SUPERINTENDENCE AND INSPECTION OF SCHOOLS AND COLLEGES AND GENERAL ADMINISTRATION.

60. The Governor in Council may nominate and appoint four Superintendents of Education; one of whom shall be a member of the Church of England, for the supervision and inspection of Church of England Schools; one, a member of the Roman Catholic Church, for the supervision and inspection of Roman Catholic Schools, with jurisdiction over all such schools, except those in the Diocese of Harbor Grace; one, a member of the Roman Catholic Church, for the supervision and inspection of Roman Catholic Schools in the Diocese of Harbor Grace; and one, a member of the Methodist Church, for the supervision and inspection of Methodist Schools.

61. Each of the said Superintendents shall be sworn before a Justice well and faithfully to discharge the duties of his office

62. The Governor in Council shall nominate and appoint a member of the Presbyterian Church, a member of the Congregational Church, and a member of the Salvation Army, or some other person recommended by the Officer in Charge of the Salvation Army in the Island of Newfoundland, and approved of by the Governor in Council, to inspect and report annually upon all schools of their respective denominations, for which inspection they shall be paid from the amount appropriated under section 71 of this Chapter.

63. It shall be the duty of the Church of England and Methodist Superintendents, by mutual arrangement, to inspect those public schools of the Colony for the inspection of which no officer is provided under sections 60 and 62 above, for which inspection they shall be paid out of the amount appropriated for inspection under section 71 of this Chapter.

64. The Governor in Council may nominate and appoint an Assistant to the Superintendent of the Church of England Schools, and also an Assistant to the Superintendent of Methodist Schools, who shall act under the directions of the Superintendents of the said schools. Such assistants shall be called Assistant Superintendents.

65. The Governor in Council may, from time to time, upon the recommendation of the several Superintendents, authorize any person other than the proper Superintendent to visit, examine and report upon any of the public schools provided for in this Chapter. Payments for this service shall be from the amounts appropriated for inspection under section 71 of this Chapter.

66. It shall be the duty of the Superintendents, and they are hereby empowered :

- (1) To have, subject to the Governor in Council, a general supervision and direction of all schools of their respective denominations receiving aid from the Government, and to enforce the provisions of this Chapter and the regulations and decisions of the Governor in Council in reference to the same.
- (2) To forward to chairmen of Boards all necessary forms of returns as provided for in this Chapter.
- (3) To make requisitions for all payments on account of appropriations for educational purposes in accordance with sections 73 and 76 of this Chapter, and to recommend to the Governor in Council persons qualified under this Chapter to fill vacancies on Boards of Education from time to time as such vacancies arise.
- (4) To prescribe, subject to the approval of the Governor in Council, the duties of the Assistant Superintendents.
- (5) To act as chairmen of the Boards of Examiners of their respective denominations and to indenture pupil teachers and teachers in training under sections 50 and 53 of this Chapter.
- (6) To give advice and counsel, to the best of their judgment, to Boards of Education and teachers.
- (7) To advise the Governor in Council either individually or collectively, upon all educational questions relative to the Colony that may be referred to them.
- (8) With the aid of the Assistant Superintendents and of others appointed under section 65 above, to visit, if possible annually, each school, training institution and college or academy of their respective denominations, and to examine the state

and condition thereof, as respects the qualifications of the teachers, the system of instruction pursued, the curriculum followed, the text-books used, the order and discipline observed, the mode of keeping the school registers, log-books, and visitors' books, the average attendance of the pupils, the progress of the pupils in learning, and the suitability and condition of the buildings and premises; to give in connection therewith such advice as they may judge proper to teachers and boards, and to do all in their power to carry out a uniform system of instruction.

- (9) By public addresses, or otherwise, to improve the character and efficiency of existing schools, to promote the establishment of other public schools where in their judgment they appear to be needed, and to stimulate a popular sentiment in favour of education.
- (10) To promote and organize conjointly, subject to the approval of the Governor in Council, educational work not otherwise provided for in this Chapter.
- (11) To prepare annually a report of all schools, training institutions, colleges and academies of their respective denominations, accompanied by full statistical tables and detailed accounts of income and expenditure, a statement of all breaches of this Chapter and derelictions of duty, and suggestions on all educational subjects, which report shall be laid before the Legislature in printed form within one month after the opening of the next succeeding session.

67. A Superintendent, Assistant Superintendent, or, subject to the consent of the Superintendent appointing, an Inspector appointed under section 65 of this Chapter, may, at the request of any other Superintendent, inspect any of the schools under the superintendence of the said other Superintendent.

68. The salary of a Superintendent of Education shall not be less than one thousand six hundred and twenty dollars per annum, and of an Assistant Superintendent not less than eight hundred dollars per annum, to be paid out of the amount for administration and inspection appropriated under section 71 of this Chapter.

69. No Superintendent or Assistant Superintendent shall engage directly or indirectly in any commercial undertaking or business.

PART VIII.

TEACHERS' PENSION FUND.

70. For the purpose of providing for the retirement of teachers in the Colony, there shall be maintained a fund which shall be known as "The Teachers' Pension Fund." This fund shall be maintained and administered in manner following, that is to say:

- (1) There shall be annually appropriated by the Governor in Council towards the maintenance of the fund the sum provided in section 71 of this Chapter.
- (2) From the appropriations made under section 71 of this Chapter to each teacher who has received a certificate of grade from any Board of Examiners appointed under this Chapter, the Governor in Council shall, on the 31st day of December in every year, deduct the annual premium required to be paid by such teacher, according to age, as fixed in Schedule K. to this Chapter, which sums so deducted shall be placed to the credit of the said fund.
- (3) Teachers who are members of any religious Order shall not be required to be contributors to the fund unless they so desire, nor shall such teachers, not being contributors to the fund, have any claim thereon.
- (4) Teachers in any of the public schools or Colleges who do not receive any amount in augmentation of their salaries from the appropriations made under section 71 of this Chapter, shall also be entitled to pensions under the provisions and subject to the conditions hereof, if they so elect, upon payment of the premiums required, according to their respective ages, as fixed in the said Schedule, such premiums to be paid annually on the 31st day of December in each year.
- (5) It shall be lawful for the Governor in Council to deduct from the grant to the different public schools and Colleges as aforesaid the annual premiums payable under the last preceding sub-section, which sums, so deducted, shall be placed to the credit of the said fund. Any moneys, deducted as premiums under this sub-section, shall be a debt due from the teacher, on whose account the same were deducted, to the Board from whose grant the same were deducted.
- (6) In consideration of the regular payment of the annual premium

hereinbefore provided for, each teacher who shall have reached the age of sixty years, (or he may, after teaching for thirty years, retire and continue to pay in the regular annual payment till he arrives at the age of sixty years, when he will be entitled to receive his full pension), and who shall have completed thirty years of service as a teacher, shall be entitled to receive, during the remainder of the life of such teacher, a pension equal to two-thirds of the annual average salary, exclusive of perquisites of any kind, which has been received by such teacher during the ten years immediately preceding the date when such teacher shall become so entitled, and no such pension shall be less than that paid under the Pension Scheme of 1903; provided that if any teacher, after thirty years of service, and after attaining the age of fifty-five years, is unable to render further efficient service, he may, upon the approval of the proper Superintendent, be permitted to retire previous to attaining the age of sixty years, and receive his full pension.

- (7) For the purpose of fixing the annual pension of a teacher who, by reason of being a member of a religious Order, does not receive a salary, the annual average salary during the preceding ten years of a teacher in a similar position in other colleges or schools, of the same grade or class, shall be determined by any three of the Superintendents of Education, and a certificate under the hands of such Superintendents shall be conclusive of the annual average salary of such first named teacher for the purposes of the pension hereunder.
- (8) All pensions under the fund shall be paid monthly.
- (9) Any teacher who shall become disabled or incapacitated from further efficient service, after ten years of service, and who shall have obtained a certificate of such disability or incapacity, signed by a medical practitioner, the Chairman of the proper Board of Education, and the proper Superintendent of Education, shall be entitled to receive, during the remainder of the life of such teacher, such fraction of the pension provided by sub-section (6) above as the number of years during which the teacher has taught as a certificated teacher and contributed to this fund is of thirty years; provided always that the annual amount of such pen-

sion shall not exceed the pension provided by sub-section (6) above.

- (10) Any teacher who shall have reached the age of sixty years, provided he has served for at least fifteen years, shall be considered incapacitated, and shall receive a pension in proportion to his years of service as provided in sub-section (9) above, unless he can produce a certificate from the proper Superintendent of Education of his complete fitness to continue his work as a teacher, which certificate must be renewed annually.
- (11) In case of the death of any contributor to this fund before he shall have entered upon his pension, the whole sum he has contributed, with compound interest at six per cent. shall be paid to his legal representatives, unless he shall have forfeited his claim under sub-section (14) or (17) hereof: provided that in case of the death of any teacher who, having entered upon his pension, shall have received as pension less than the total sum he was entitled to withdraw in lieu of pension, the difference between these two amounts shall be paid to his legal representatives.
- (12) Any contributor to this fund who shall cease to follow the occupation of a teacher after five full years' service as such, and payment of five annual premiums, shall be permitted to withdraw from the fund all his contributions with compound interest at three per cent.
- (13) Should any contributor to this fund who has taught in a public school or college for a period of five full years cease to follow the occupation of a teacher for not more than two years, he may, if he again become a teacher of a public school or college within the said period of two years, and have not withdrawn his deposits as provided in sub-section (12), resume his connection with this fund by paying his arrears of contributions, with compound interest at three per cent.
- (14) Should any contributor to this fund who has taught a public school for a period of less than five years cease to follow the occupation of a teacher, he shall forfeit all claim upon this fund, but if he again becomes a teacher he may resume his connection with the fund by paying the annual premium based upon his age at re-entrance: provided that where such

teacher has retired owing to failure of health he may, if he again becomes a teacher within two years from the date of his retirement, resume his connection with the fund on his former footing, by paying his arrears of contributions with compound interest at three per cent.

- (15) A teacher, on being first employed, if he shall have taught for less than the full current school year, shall pay in advance such fraction of the year's premium as the number of months in the current school year during which he shall teach is of the full school year. All subsequent premiums shall be payable annually on the 31st day of December in each year.
- (16) For the purpose of this fund, the age of every teacher contributing thereto shall be taken to be his age on his birthday nearest to the date of his employment as a teacher.
- (17) An yteacher whose certificate has been cancelled by a Board of Examiners under this Chapter and in accordance with the provisions of this Chapter for drunkenness or immoral conduct shall forfeit all claim to a pension.

PART IX.

EDUCATIONAL FINANCE.

71. There shall be annually appropriated for the purpose of this Chapter out of such moneys as shall, from time to time, be in the hands of the Minister of Finance and Customs, and unappropriated, the sum of three hundred and sixty-seven thousand and twenty-three dollars and sixty-six cents (\$367,023.66), to be apportioned, allocated, distributed and expended in the manner following that is to say:

- (1) For general educational purposes, to be apportioned among the several religious denominations of the Colony, according to their respective populations, and, subject to certain deductions defined in Schedule E. of this Chapter, to be distributed among the several Boards of Education now appointed or hereafter to be appointed, according to the number of residents in their several districts, and to be expended by the said Boards (provided that not less than nine-tenths of the total amounts allocated in any year to each Board shall be expended in salaries for teachers) the sum

of one hundred and fifty thousand eight hundred and seventy-seven dollars and fifty-four cents (\$150,877.54).

(2) To be apportioned among the several religious denominations of the Colony according to their respective populations, and expended by the Governor in Council on the recommendation of the proper Superintendent of Education, for the following purposes, and in accordance with the following provisions, that is to say:

- (a) For the purpose of assisting Boards of Education to establish schools and supply teachers in sparsely populated localities, the sum of forty-eight thousand five hundred dollars (\$48,500). And it shall be the duty of the persons, respectively, to whom the amounts allocated to the several religious denominations under this section shall be paid, to transmit at the end of each school year detailed statements of the expenditure of their respective allocations to the proper Superintendent for publication in his annual report.
- (b) For the purpose of assisting Boards of Education to establish Superior or High Schools in central localities in their districts, subject to the approval of the proper Superintendent, the said Superior or High Schools to be conducted in accordance with the provisions of this Chapter, the sum of fourteen thousand four hundred and forty-four dollars and thirteen cents, (\$14,444.13). Provided that not less than nine-tenths of the amount allocated to any Board for this purpose shall be expended in salaries for teachers.
- (c) For the purposes of the Colleges established under this Chapter, the sum of fifteen thousand nine hundred and fifty-one dollars and ninety-three cents (\$15,951.93).
- (d) For the purpose of maintaining and of training pupil teachers and teachers indentured under this Chapter (provided that the maximum amount annually paid towards the maintenance of a male pupil teacher shall be one hundred dollars, and of a female pupil teacher, eighty dollars), the sum of twelve thousand dollars (\$12,000).
- (e) For the purpose of technical education or manual training, the sum of four thousand seven hundred and sixty-seven dollars and sixty cents (\$4,767.60.)

- (f) For the purpose of furnishing, equipping, renovating, and restoring school buildings, the sum of five thousand dollars (\$5,000).
 - (g) For the purpose of assisting teachers who have **broken down** in health in the service, the sum of one thousand dollars (\$1,000).
 - (h) For the purpose of administration and inspection through the departments of the several Superintendents of Education, the sum of ten thousand four hundred and eighty-two dollars and forty-five cents (\$10,482.45).
 - (i) For the purpose of augmenting the salaries of certificated teachers, to be expended in accordance with the rules and regulations set out in Schedule K to this Chapter, the sum of eighty-seven thousand five hundred dollars (\$87,500); provided the proper Superintendent shall certify that such teachers have satisfactorily conducted Public Schools and have complied with all the requirements of this Chapter; and provided also, that should the amount allocated for any denomination be insufficient to pay all certificated teachers of that denomination the sums provided in said Schedule K, the said teachers shall share in the said amount proportionally according to grade; and provided further, that in schools in which the average daily attendance does not exceed fifty, only one teacher shall receive a share of the said amount, that where the average daily attendance is over fifty and less than one hundred, two teachers may share in the said amount, and so on for every additional fifty pupils, but that in no school shall more than seven teachers share in the money so allocated.
- (3) For other special purposes, namely:
- (a) For the purposes of the Teachers' Pension Fund hereinbefore provided for, the sum of one thousand six hundred dollars (\$1,600).
 - (b) For the purposes of the Council of Higher Education, the sum of ten thousand dollars (\$10,000).
 - (c) For the purpose of establishing a Scholarship in memory of Queen Victoria's Jubilee, the sum of one thousand two hundred dollars (\$1,200).

- (d) For contingencies and printing reports the sum of two thousand five hundred dollars (\$2,500).
- (e) For travelling expenses in connection with the inspection of schools, the sum of one thousand two hundred dollars (\$1,200).

72. For the purposes of apportioning and distributing the grants for education, the population of the several denominations and districts shall be taken as in the return of the last public census.

73. All sums of money granted under this Chapter shall be paid in accordance with the method of payment provided by Chapter 23 of these Consolidated Statutes, entitled, "Of the Auditing of Public Accounts," and with such rules and regulations of the Governor in Council as are now, or may be hereafter in force.

74. All balances of appropriations for educational purposes, the expenditure of which is under the direction and control of the Governor in Council, being to the credit of such appropriations on the thirtieth of June in any year, shall be surrendered to the Treasury at the time set down by Chapter 23 of these Consolidated Statutes, entitled, "Of the Auditing of Public Accounts," for the closing of the appropriation accounts for the preceding financial year; provided that it shall be lawful for the Governor in Council, upon the recommendation of the proper Superintendent, at any time to transfer to the credit of any appropriation, the amount whereof may have been insufficient for the purpose for which it was voted, any balance to the credit of any appropriation, or any portion of such balance not required for the purpose for which it was voted.

75. The total amount of appropriations, the expenditure of which is not under the direction or control of the Governor in Council, shall be paid to the person or persons entitled thereto, on or before the thirtieth day of June, in the financial year for which they are payable.

76. All payments on account of appropriations for educational purposes shall be made by the Colonial Secretary, his Deputy, or the Accountant in his Department, directly to or to the order of the Board or persons entitled to receive the same.

77. When directed so to do by the Governor in Council, the Auditor General, or any person whom he may appoint, shall audit the accounts

of any board or governing body established under this Chapter, and report thereon to the Governor in Council. The Board, the accounts of which are being audited, and each member thereof, shall furnish to the person so auditing all account books and accounts that may be called for, and shall furnish such other information regarding the accounts of the Board as may be necessary to the audit. Any board, or any member thereof, refusing any books or accounts or information in its or his possession necessary to an audit, may be dismissed from office upon proof to the satisfaction of the Governor in Council of such refusal.

PART X.

MISCELLANEOUS.

78. No teacher in any college, academy or school aided by money granted under this Chapter shall impart to any child attending the same any religious instruction which may be objected to by the parent or guardian of such child.

79. While teachers are permitted to administer corporal punishment in reason and with humanity, they shall refrain from the use of it until other means of discipline have been tried. In no case shall corporal punishment be administered to delicate or nervous children. Striking children on the head, torture and practices contrary to the laws of health are forbidden as means of discipline.

80. Teachers may, subject to the approval of the Board, refuse to admit to school any child under five years of age, and, when the number of children seeking admission to school exceeds thirty in the case of sole-charge schools, or fifty in the case of the primary or junior departments of schools in which there are not more teachers than one employed, children under six years of age may be refused admission.

81. The Governor shall have the right to visit all colleges, academies, training schools and schools.

82. Judges, members of the Legislature, clergymen, and members of the other learned professions, Justices of the Peace, and grand jurors, shall be school visitors, and may visit all educational establishments aided by grants provided under this Chapter at all such times as it may be convenient for them so to do, provided they do not interrupt the conduct of the institution.

SCHEDULE A.

The names and boundaries of the Educational Districts arranged according to denomination, thus:—

- 1.—The Church of England Districts.
- 2.—The Roman Catholic Districts.
- 3.—The Methodist Districts.
- 4.—The Presbyterian Districts.
- 5.—The Congregational Districts.
- 6.—The Salvation Army Districts.
- 7.—The Seventh Day Adventist Districts.

1.—CHURCH OF ENGLAND EDUCATIONAL DISTRICTS.

Barachois extends from St. George's, exclusive, to Low Point. The Board shall meet at Barachois.

Bareneed extends from Otterbury to Lower Bareneed, both inclusive. The Board shall meet at Bareneed.

Barr'd Islands and Joe Batt's Arm, including Shoal Bay.

Battle Harbor extends from Chateau, inclusive, to Spotted Islands, exclusive. The Board shall meet at Battle Harbor.

Bay de Verde extends from Spout Cove to Grate's Cove. The Board shall meet at Bay de Verde .

Bay of Islands extends from Trout River, exclusive, to Serpentine River, inclusive. The Board shall meet at Curling.

Bay Roberts. The Board shall meet at Bay Roberts.

Belleoram extends from English Harbor, exclusive, to Point Enragee, inclusive. The Board shall meet at Belleoram.

Bell Island. The Board shall meet at Bell Island.

Bonavista extends from Little Catalina, exclusive, to Upper Amherst Cove, inclusive. The Board shall meet at Bonavista.

Bonne Bay extends from Castor River, exclusive, to Trout River, inclusive. The Board shall meet at Bonne Bay.

Botwood shall include all places in the estuary of the Exploits River between Bishop's Falls inclusive, and a line eastward through Comfort Head, and shall likewise comprise places on the line of railway between Bishop's Falls, inclusive, and Gambo, exclusive. The Board shall meet at Botwood.

Brigus extends from Indian Pond, exclusive, to Cupids, inclusive. The Board shall meet at Brigus.

Brooklyn extends from Open Hall, exclusive, to Bunyan's Cove, inclusive. The Board shall meet at Brooklyn.

Burgeo extends from Wreck Island, inclusive, to Cape La Hune, exclusive. The Board shall meet at Burgeo.

Burin extends from St. Lawrence to Rushoon, both inclusive. The Board shall meet at Burin.

Burnt Islands extends from Hiscock's Point to Brazil, both inclusive. The Board shall meet at Burnt Island.

Carbonear extends from Mosquito to Spout Cove, both inclusive. The Board shall meet at Carbonear.

Catalina extends from Green Bay, exclusive, to Little Catalina, inclusive. The Board shall meet at Catalina.

Champneys consists of Champneys West, Champneys East, English Harbor and Green Bay. The Board shall meet at Champneys East.

Change Islands. The Board shall meet at Change Islands.

Channel extends from Red Rocks to Hiscock's Point, exclusive. The Board shall meet at Channel.

Codroy extends from Low Point to Red Rocks, inclusive. The Board shall meet at Codroy.

Coley's Point. The Board shall meet at Coley's Point.

Exploits extends from the District of Botwood to Little Bay, inclusive. The Board shall meet at Exploits.

Flower's Cove extends from Boat Harbor, exclusive, to Castor River, inclusive. The Board shall meet at Flower's Cove.

Fogo, including Indian Islands, but excluding Shoal Bay, Barr'd Islands and Joe Batt's Arm. The Board shall meet at Fogo.

Forteau extends from Blanc Sablon, inclusive, to Chateau, exclusive. The Board shall meet at Forteau.

Fox Trap, Long Pond, extends from Manuels, exclusive, to Steady Water. The Board shall meet at Long Pond.

Gander Bay. The Board shall meet at Victoria Cove.

Garnish, including Frenchman's Cove. The Board shall meet at Garnish.

Grand Falls consists of all places on the line of railway from Grand Falls to Millertown, both inclusive. The Board shall meet at Grand Falls.

Grenspond extends from Gooseberry Island to Safe Harbor, both exclusive. The Board shall meet at Greenspond.

Harbor Breton extends from Dawson's Cove, exclusive, to English Harbor, inclusive. The Board shall meet at Harbor Breton.

Harbor Buffett consists of that part of Placentia Bay east of a line drawn south through Sound Island. The Board shall meet at Harbor Buffett.

Harbor Grace extends from Riverhead to Mosquito, exclusive. The Board shall meet at Harbor Grace.

Harbor Grace South extends from Bryant's Cove to Riverhead. The Board shall meet at Harbor Grace South.

Heart's Content extends from Grate's Cove, exclusive, to Cavendish, inclusive. The Board shall meet at Heart's Content.

Hermitage extends from Dawson's Cove, inclusive, to Couillard, exclusive. The Board shall meet at Hermitage.

Herring Neck extends from Herring Neck to Merritt's Harbor. The Board shall meet at Herring Neck.

Kelligrews extends from Steady Water to Indian Pond, inclusive. The Board shall meet at Kelligrews.

King's Cove extends from Upper Amherst Cove, exclusive, to Open Hall, inclusive. The Board shall meet at King's Cove.

Lamaline extends from Grand Beach to St. Lawrence, both inclusive. The Board shall meet at Lamaline.

New Harbor extends from Cavendish, exclusive, to Spreadingeagle, inclusive. The Board shall meet at New Harbor.

Newtown, extends from Wesleyville, exclusive, to Ragged Harbor. The Board shall meet at Newtown.

Norman's Cove extends from Little Ridge to Rantem, both inclusive. The Board shall meet at Norman's Cove.

Petty Harbor consists of all settlements lying between Brookfield and Placentia, both exclusive. The Board shall meet at Petty Harbor.

Pool's Island shall extend from Safe Harbor to Wesleyville, both inclusive. The Board shall meet at Badger's Quay.

Port de Grave consists of Pick Eyes, Hibb's Hole, Blow-me-Down, Ship Cove, Port de Grave and Sandy Cove. The Board shall meet at Port de Grave.

Port Rexton consists of Freshwater, Peace Cove, Trinity East and Port Rexton. The Board shall meet at Trinity East.

Portugal Cove extends from the East end of Windsor Lake to Horse Cove, inclusive. The Board shall meet at Portugal Cove.

Pouch Cove extends from Torbay to Bauline, both inclusive. The Board shall meet at Pouch Cove.

Pushthrough extends from Cape La Hune to Couillard, both inclusive. The Board shall meet at Pushthrough.

Railway (Central) comprises all places on or adjacent to the line of railway between Clarendville, exclusive, and Gambo, inclusive. The Board shall meet at Port Blandford and Gambo.

Random extends from Rantem, exclusive, to Hatchet Cove, inclusive. The Board shall meet at Heart's Ease.

Rose Blanche extends from Braziel, exclusive, to Wreck Island, inclusive. The Board shall meet at Rose Blanche.

St. Anthony extends from Lock's Cove to Boat Harbor, both inclusive. The Board shall meet at St. Anthony.

St. John's extends from Brookfield, inclusive, to Torbay, exclusive. The Board shall meet at St. John's.

Salmon Cove extends from Cupids to Otterbury, both exclusive. The Board shall meet at Salmon Cove.

Salvage consists of the mainland from Port Blandford, exclusive, to Alexander Bay, exclusive. The Board shall meet at Salvage.

Samson consists of the islands between Port Blandford, exclusive, and Gooseberry Island, inclusive. The Board shall meet at Samson.

Sandwich Bay shall extend from Spotted Islands to Ilack, both inclusive. The Board shall meet at Cartwright.

Sandy Point shall extend from Serpentine River, exclusive, to St. George's, inclusive. The Board shall meet at Sandy Point.

Shearstown. The Board shall meet at Shearstown.

Smith's Sound extends from Hatchet Cove, exclusive, to Dark Harbor, inclusive. The Board shall meet at White Rock.

Spaniard's Bay extends from Spaniard's Bay Pond to Bishop's Cove, exclusive. The Board shall meet at Spaniard's Bay.

Tack's Beach consists of that part of Placentia Bay west of a line drawn south through Sound Island, excluding the District of Burin. The Board shall meet at Tack's Beach.

Tilt Cove extends from Little Bay, exclusive, to Gull Island, inclusive. The Board shall meet at Tilt Cove.

Topsail extends from Horse Cove, exclusive, to Manuel's, inclusive. The Board shall meet at Topsail.

Trinity extends from Dark Harbor, exclusive, to N. W. Arm, inclusive. The Board shall meet at Trinity.

Twillingate extends from Merritt's Harbor to Loon Bay, inclusive, including the islands of Twillingate. The Board shall meet at Twillingate.

Upper Island Cove extends from Bishop's Cove to Bryant's Cove, both inclusive. The Board shall meet at Upper Island Cove.

Whitbourne consists of Whitbourne and Placentia. The Board shall meet at Whitbourne.

White Bay extends from Gull Island to Lock's Cove, both inclusive. The Board shall meet at Westport.

2.—ROMAN CATHOLIC EDUCATIONAL DISTRICTS.

The Roman Catholic Educational Districts shall be as follows:

The Arch-Diocese of St. John's and the Diocese of St. George's.

Argentia shall extend from First Beach and Freshwater to Haystack, including Red Island, Iona (Ram's Island), and Ragged Island and exclusive of Dog Harbor and Brule. The Board shall meet at Argentia.

Bar Haven shall extend from Haystack, inclusive, to Clattice Harbor, exclusive, and shall include Barren Island, Woody Island, Ragged Islands, John de Gaunt, that part of Merasheen Island north of Indian Harbor, inclusive, and all other islands within said limits. The Board shall meet at Bar Haven.

Bay of Islands shall extend from Kitty's Brook, inclusive, to Frenchman's Cove, exclusive, on the south side of the Bay of Islands, and from Deer Lake, inclusive, to Meadows, inclusive, on the north side of the Bay of Islands. Board shall meet at Curling.

Bell Island shall consist of the islands of Little Bell Island, Bell Island, and Kelly's Island. The Board shall meet at Bell Island.

Bonne Bay shall extend from Cape Gregory to St. Barbe. The Board shall meet at Bonne Bay.

Burin shall extend from Beau Bois, exclusive, to Corbin, inclusive, and shall include Grand Beach and Frenchman's Cove, in the district of Burin. The Board shall meet at Burin.

Codroy shall extend from Grandy's Brook, exclusive, to Cape Anguille. The Board shall meet at Searston.

Ferryland shall extend from La Manche, exclusive, to Aquaforte, inclusive. The Board shall meet at Ferryland.

Harbor Breton shall extend from Boxey Point, inclusive, and including Brunette and Sagona, to Grandy's Brook, inclusive. The Board shall meet at Harbor Breton.

Lourdes shall extend from Mainland, inclusive, to Long Point and West Bay, both inclusive. The Board shall meet at Lourdes.

Marystown shall extend from L'Argent Bay, inclusive, to Beau Bois, inclusive. The Board shall meet at Marystown.

Mobile shall extend from Witless Bay, exclusive, to La Manche River, inclusive. The Board shall meet at Mobile.

Oderin shall extend from Petit Forte, inclusive, to L'Argent Bay, exclusive, and shall include Flat Islands, Oderin Island, and adjacent islands. The Board shall meet at Oderin.

Petty Harbor shall include all that portion of the electoral district of St. John's West extending from Blackhead, including Cape Spear and Freshwater Bay to Petty Harbor, and including Old Placentia, Heavy-tree and Bay Bulls Road, together with the settlement of Goulds in the electoral district of Ferryland. The Board shall meet at Petty Harbor.

Placentia shall include all that part of the electoral district of Placentia and St. Mary's lying between Ship Cove, exclusive, and First Beach and Freshwater, both inclusive. The Board shall meet at Placentia.

Port-au-Port shall extend from Romaine's River, exclusive, to Mainland, exclusive, and from West Bay, exclusive, to Serpentine River. The Board shall meet at Port-au-Port.

Portugal Cove shall comprise that portion of the electoral district of St. John's East extending from Cape St. Francis to Portugal Cove (including the Cove Road), together with Broad Cove in the electoral district of St. John's West, and Horse Cove in the electoral district of Harbor Main. The Board shall meet at Portugal Cove.

Renews shall extend from Fermeuse to Clam Cove, both inclusive. The Board shall meet at Renewes.

Salmonier shall include all that part of the electoral district of Placentia and St. Mary's lying between Admiral's Cove and Regina, both inclusive. The Board shall meet at St. Joseph's.

St. Bride's shall extend from Beckford to Ship Cove, both inclusive. The Board shall meet at St. Bride's.

St. George's shall extend from Cape Anguille to Seal Cove, inclusive. The Board shall meet at Sandy Point.

St. Jacques shall extend from Garnish to Boxey Point, exclusive. The Board shall meet at St. Jacques.

St. John's shall comprise all those portions of the electoral districts of St. John's East and West which are not included in the educational

districts of Petty Harbor, Torbay, Portugal Cove and Bell Island. The Board shall meet at St. John's.

St. Kyran's shall extend from Clattice Harbor, inclusive, to Petit Forte, exclusive, and shall include Isle Valen and that part of Merasheen Island south of Indian Harbor. The Board shall meet at St. Kyran's.

St. Lawrence shall include that part of the electoral district of Burin lying between Corbin exclusive, and Grand Bank, inclusive. The Board shall meet at St. Lawrence.

St. Mary's shall extend from Peter's River to Mall Bay, both inclusive. The Board shall meet at St. Mary's.

Stephenville shall extend from Seal Cove, exclusive, to Romaine's River, inclusive. The Board shall meet at Stephenville.

Topsail shall consist of that portion of the electoral district of Harbor Main which extends from Horse Cove, exclusive, to Indian Pond, inclusive. The Board shall meet at Topsail.

Torbay shall consist of that portion of the electoral district of St. John's East which extends from Outer Cove, inclusive, to Cape St. Francis.

Trepassey shall extend from Cape Race to Peter's River, exclusive. The Board shall meet at Trepassey.

Witless Bay shall extend from South Head, Petty Harbor, to Witless Bay, inclusive. The Board shall meet at Witless Bay.

Wood's Island shall extend from Serpentine River to Frenchman's Cove, inclusive, and from Cape Gregory to Meadow's, exclusive.

(B.) The Diocese of Harbor Grace.

The Roman Catholic Educational Districts for the Diocese of Harbor Grace shall be as follows:—

Bonavista South shall extend from Burnt Point in Black Head Bay to Western Cove, inclusive. The Board shall meet at King's Cove.

Bonavista North shall extend from Salvage to Cape Freels, including all islands within the said limits. The Board shall meet at St. Brendan's.

Brigus shall extend from Colliers, inclusive of English Cove, to Emerald Vale, exclusive. The Board shall meet at Brigus.

Bay de Verde shall extend from Lower Island Cove, exclusive, to Old Perlican, inclusive. The Board shall meet at Bay de Verde.

Conche shall extend from the head of White Bay to St. Barbe, including all islands within the said limits. The Board shall meet at Conche.

Coachman's Cove shall extend from the South West Arm of Green Bay, inclusive, to the head of White Bay. The Board shall meet at Coachman's Cove.

Carbonear shall extend from Bristol's Hope, exclusive, to Perry's Cove, inclusive, and shall also include Turk's Cove, New Perlican, Heart's Content and Heart's Desire. The Board shall meet at Harbor Grace.

Conception Harbor shall extend from Middle Arm to Colliers, inclusive of James's Cove. The Board shall meet at Conception Harbor.

Fogo shall include all the electoral district of Fogo (except Cat Harbor), also Beaver Cove and Herring Neck, Gander Bay and Boyd's Cove. The Board shall meet at Tilting.

Fortune Harbor shall extend from Herring Neck, exclusive, to Seal Bay, inclusive, and shall include the islands of Twillingate and all others within said limits. The Board shall meet at Fortune Harbor.

Grand Falls shall extend from Glenwood, inclusive, to the western boundary of Harbor Grace Diocese, and shall also include Lewisporte and Botwood. The Board shall meet at Grand Falls.

Harbor Grace shall extend from Spaniard's Bay to Bristol's Hope, inclusive. The Board shall meet at Harbor Grace.

Holyrood shall extend from Indian Pond in the electoral district of Harbor Main to Flynn's Bridge on the road to Harbor Main. The Board shall meet at Holyrood.

Harbor Main shall extend from Flynn's Bridge to Middle Arm, Avondale North. The Board shall meet at Harbor Main.

Little Bay shall extend from Badger Bay, inclusive, to South West Arm of Green Bay, exclusive. The Board shall meet at Little Bay.

Labrador shall extend from the Canadian boundary at Blanc Sablon northwards along the Labrador Coast. The Board shall meet at Harbor Grace.

Northern Bay shall extend from Perry's Cove, exclusive, to Lower Island Cove, inclusive. The Board shall meet at Northern Bay.

North River shall extend from Emerald Vale, inclusive, to Spaniard's Bay Ridge. The Board shall meet at North River.

Trinity South shall extend from Brigus Junction, inclusive, along the railway line to Glenwood, exclusive, and from George's Cove, Trinity Bay, to the South West Arm of Random. The Board shall meet at Gambo.

Trinity North shall extend from Port Rexton, exclusive, to Cape Bonavista, and shall also include, (a) that part of the electoral district of Bonavista Bay lying between Cape Bonavista and Burnt Point at the head of Black Head Bay; and (b) the settlements of Indian Arm, Southern Bay, Sweet Bay and Goose Bay.

Trinity West shall extend from the South West Arm of Random, inclusive, to Ship Cove, inclusive. The Board shall meet at Trinity.

3.—METHODIST EDUCATIONAL DISTRICTS.

St. John's East shall include that part of the City of St. John's contained within the electoral division of St. John's East, and extending to Logy Bay, exclusive. The Board shall meet at St. John's.

St. John's West shall include the electoral division of St. John's West. The Board shall meet at St. John's.

Pouch Cove shall extend from Logy Bay, inclusive, to Portugal Cove, inclusive. The Board shall meet at Pouch Cove.

Bell Island shall consist of all settlements on Bell Island.

Topsail shall extend from Portugal Cove exclusive, to Holyrood, inclusive. The Board shall meet at Topsail.

Brigus shall extend from Holyrood, exclusive, to Goulds road, in a straight line from Cupids road, and shall include the town of Brigus, Bull Cove, South Pond Road, Brigus Gullies, etc. The Board shall meet at Brigus.

Cupid's shall consist of Cupid's (South Side), Cupid's and Rip Rap. The Board shall meet at Cupid's.

Clarke's Beach shall consist of that part of the electoral district of Port de Grave lying between Cupid's, exclusive, and Otterbury, inclusive. The Board shall meet at Clarke's Beach.

Port de Grave shall include that part of the Electoral District of

Port de Grave, lying between Otterbury, exclusive, and Port de Grave, inclusive. The Board shall meet at Port de Grave.

Bay Roberts and Spaniard's Bay shall consist of that part of the electoral district of Harbor Grace lying between Coley's Point, inclusive, and Bryant's Cove, inclusive. The Board shall meet at Bay Roberts.

Harbor Grace shall include that part of the electoral district of Harbor Grace lying between Bryant's Cove, exclusive, and South Point of Mosquito. The Board shall meet at Harbor Grace.

Carbonear shall consist of the electoral district of Carbonear, except Victoria. The Board shall meet at Carbonear.

Victoria shall consist of the settlement of Victoria. The Board shall meet at Victoria.

Freshwater shall include that part of the electoral district of Bay de Verde lying between Freshwater, inclusive, and Perry's Cove, inclusive. The Board shall meet at Freshwater.

Blackhead shall extend from Perry's Cove, exclusive, to Adam's Cove, inclusive. The Board shall meet at Blackhead.

Western Bay shall extend from Adam's Cove, exclusive, to Ochre Pit Cove, inclusive. The Board shall meet at Western Bay.

Lower Island Cove shall extend from Ochre Pit Cove, exclusive, to Split Point. The Board shall meet at Lower Island Cove.

Old Perlican shall extend from Split Point to Sibley's Cove, exclusive. The Board shall meet at Old Perlican.

Hant's Harbor shall extend from Sibley's Cove, inclusive, to Winterton, exclusive. The Board shall meet at Hant's Harbor.

Winterton shall extend from Winterton, inclusive, to New Perlican, exclusive. The Board shall meet at Winterton.

Heart's Content shall extend from New Perlican, inclusive, to Shoal Bay, exclusive. The Board shall meet at Heart's Content.

Green's Harbor shall extend from Shoal Bay, inclusive, to Spread Eagle, exclusive. The Board shall meet at Green's Harbor.

Bay Bulls Arm shall include that part of the electoral district of Trinity Bay extending from Spread Eagle, inclusive, to St. Jones' With-

out, exclusive, and the settlement of Come-by-Chance in the electoral district of Placentia and St. Mary's. The Board shall meet at Bay Bull's Arm.

Random South shall extend from St. Jones' Without, inclusive, embracing all the Southwest Arm and the south side of Random Sound. The Board shall meet at Hillview.

Random North shall include all places on the mainland between Deep Bight, exclusive, and Lower Rocky Brook, exclusive. The Board shall meet at Shoal Harbor.

Random West shall include that part of Random Island extending from Apsey Cove, inclusive, to Hickman's Harbor, exclusive. The Board shall meet at Lady Cove.

Random East shall include Random Island (excepting that portion named in Random West District), together with settlements on the mainland extending from Lower Rocky Brook, inclusive, to British Harbor, inclusive. The Board shall meet at Britannia.

Trinity shall include that part of the electoral district of Trinity Bay lying between British Harbor, exclusive, and Catalina South Head, together with the settlements of Summerville, Long Beach, Princeton, and Southern Bay in the electoral district of Bonavista. The Board shall meet at Trinity.

Catalina shall include that part of the electoral district of Trinity Bay lying between Catalina South Head, exclusive, and Muddy Brook, exclusive. The Board shall meet at Catalina.

Elliston shall include all that part of the electoral district of Trinity Bay lying between Muddy Brook, inclusive, and Cap L'Argent, inclusive, together with the settlements in the electoral district of Bonavista, extending from Birchy Cove to King's Cove, both inclusive. The Board shall meet at Elliston.

Bonavista shall include all that part of the electoral district of Trinity lying between Cap L'Argent and Cape Bonavista, also that part of the electoral district of Bonavista lying between Cape Bonavista and Birchy Cove, exclusive. The Board shall meet at Bonavista.

Musgrave Town shall extend from Southern Bay, exclusive, to Happy Adventure, exclusive. The Board shall meet at Musgrave Town.

Glovertown shall consist of Glovertown, Saunders Cove, Rosedale, Troytown, Cull's Harbor, Squid Tickle, Barrow Harbor, Little Happy Adventure, and other settlements adjacent or between. The Board shall meet at Glovertown.

Deer Island shall consist of Deer Island, Bragg's Island, Gooseberry Island, Samson and other settlements adjacent or between. The Board shall meet at Deer Island.

Greenspond shall extend from Newport, inclusive, to Valleyfield, exclusive. The Board shall meet at Greenspond.

Wesleyville shall extend from Valleyfield, inclusive, to Templeman, exclusive, and shall include all adjacent islands. The Board shall meet at Wesleyville.

Newtown shall extend from Templeman, inclusive, to Deadman's Bay, inclusive, and shall include the adjacent islands. The Board shall meet at Newtown.

Musgrave Harbor shall extend from Deadman's Bay, exclusive, to Apsey Cove, in Hamilton Sound, inclusive. The Board shall meet at Musgrave Harbor.

Rocky Bay shall extend from Apsey Cove, exclusive, to Gander Bay, inclusive, and shall embrace all settlements in Rocky Bay and Gander Bay. The Board shall meet at Carmanville.

Seldom-Come-By shall consist of the settlements of Wild Cove, Seldom-Come-By, Cann Island, Little Seldom-Come-By, and Indian Islands. The Board shall meet at Seldom-Come-By.

Barr'd Island shall consist of the settlements of Joe Batt's Arm, Barr'd Island, and Shoal Bay. The Board shall meet at Barr'd Island.

Fogo shall consist of all settlements on Fogo Island, except those included in Seldom-Come-By and Barr'd Island. The Board shall meet at Fogo.

Change Islands shall extend from Gander Bay, exclusive, to Cobb's Arm, exclusive, and shall include settlements of Change Islands, Dog Bay, Little Beaver Cove, and Beaverton. The Board shall meet at Change Islands.

Herring Neck shall extend from Cobb's Arm, inclusive, to Virgin's Arm, in Friday's Bay, exclusive. The Board shall meet at Herring Neck.

Twillingate shall consist of the islands of Twillingate. The Board shall meet at Twillingate.

Moreton's Harbor shall extend from Virgin's Arm, inclusive, to Birchy Bay, exclusive, and shall include Trump Island, Cottell's Island, Moreton's Harbor, Tizzard's Harbor, Farmer's Arm and other small settlements adjacent or between. The Board shall meet at Moreton's Harbor.

Campbellton shall extend from Birchy Bay, inclusive, to Michael's Harbor, inclusive, and shall include also New Harbor and Comfort Cove. The Board shall meet at Campbellton.

Lewisporte shall extend from Michael's Harbor, exclusive, to Scissor's Cove, inclusive. The Board shall meet at Lewisporte.

Glenwood and Grand Falls shall include all settlements along the railway extending from Glenwood to Grand Lake, both inclusive.

Botwood shall include all settlements in Exploits Bay (except Norris Arm), extending from Scissors Cove, exclusive, to Charles' Brook, inclusive. The Board shall meet at Botwood.

Exploits shall extend from Charles' Brook, exclusive, to Leading Ticks, inclusive, and shall include Swan Island, Sampson's Island, Black Island, Exploits, New Bay, and other settlements adjacent or between. The Board shall meet at Exploits.

Pilley's Island shall extend from Leading Ticks, exclusive, to Robert's Arm, inclusive, and shall include the settlements of Pilley's Island and Great Triton Island. The Board shall meet at Pilley's Island.

Long Island shall consist of all settlements on Long Island and Sunday Cove Island. The Board shall meet at Lush's Bight.

Springdale shall extend from Robert's Arm, exclusive, to Springdale, inclusive. The Board shall meet at Springdale.

Little Bay Island shall consist of Little Bay Island, and from Springdale, exclusive, to Three Arms, exclusive.

King's Point shall extend from Three Arms, inclusive, to Middle Arm, exclusive.

Nipper's Harbor shall extend from Middle Arm, inclusive, to Indian Burying Place, inclusive. The Board shall meet at Nipper's Harbor.

Tilt Cove shall extend from Indian Burying Place, in the electoral district of Twillingate, to La Scie, in the electoral district of St. Barbe. The Board shall meet at Tilt Cove.

Sound Island shall include that part of the electoral district of Placentia and St. Mary's, lying between Come-By-Chance, exclusive, and Ragged Islands and Paradise Sound, exclusive. The Board shall meet at Sound Island.

Haystack shall include all settlements on Long Island together with that part of the mainland extending from Come-By-Chance, exclusive, to Cape Pine. The Board shall meet at Haystack.

Flat Islands shall extend from Paradise Sound and Ragged Islands, inclusive, to Mortier Bay, exclusive. The Board shall meet at Davis Island.

Burin shall consist of the settlements of Port au Bras, Black Duck Cove, Bull's Cove, Collins' Cove, Kirby's Cove, Mosquito Cove, Whale Cove, Pat's Cove, Burin Bay, Little Burin, Ship Cove, Path End, and others adjacent or between. The Board shall meet at Collins' Cove.

Great Burin shall include settlements on Pardy's Island, Great Burin Island, and Shalloway Island.

Epworth shall extend from Mortier Bay, inclusive, to Cape Chapeau Rouge, and shall comprise Mortier Bay, Salmonier, Burin Bay Arm, The Narrows, Lewin's Cove, Epworth, Mud Cove, l'Anse a l'Eau, and other settlements adjacent or between. The Board shall meet at Epworth.

Fortune, shall extend from Cape Chapeau Rouge to Fortune, inclusive. The Board shall meet at Fortune.

Grand Bank shall extend from Fortune, exclusive, to Molliers, inclusive. The Board shall meet at Grand Bank.

Garnish shall include that part of the electoral district of Burin extending from Molliers, exclusive, to Frenchman's Cove, inclusive, together with all the electoral district of Fortune Bay. The Board shall meet at Garnish.

Burgeo shall include that part of the electoral district of Burgeo and LaPoile between McCallum and Otter's Point, both exclusive. The Board shall meet at Burgeo.

Petites shall extend from Otter's Point, inclusive, to Rose Blanche, inclusive. The Board shall meet at Petites.

Channel shall include that part of the electoral district of Burgeo and La Poile extending from Rose Blanche, exclusive, to Cape Ray, inclusive, together with that part of the electoral district of St. George extending from Cape Ray to Cape Anguille. The Board shall meet at Channel.

Bay St. George shall include that part of the electoral district of St. George extending from Cape Anguille to Bluff Head. The Board shall meet at St. George's.

Bay of Islands shall consist of that part of the electoral district of St. Barbe, and shall include settlements along the line of railway lying between George's Pond, inclusive, and Grand Lake, exclusive. The Board shall meet at Curling.

Bonne Bay shall include that part of the electoral district of St. Barbe lying between the electoral district of St. George and Point Riche. The Board shall meet at Bonne Bay.

Flower's Cove shall include that part of the electoral district of St. Barbe lying between Point Riche and Cape Norman, exclusive. The Board shall meet at Flower's Cove.

St. Anthony shall include that part of the electoral district of St. Barbe lying between Cape Norman, inclusive, and Cap Rouge. The Board shall meet at St. Anthony.

Englee shall include that part of the electoral district of St. Barbe lying between Cap Rouge and La Scie, exclusive. The Board shall meet at Englee.

Labrador South shall include that part of Labrador extending from Blanc Sablon to Chateau, inclusive.

Labrador North shall include that part of Labrador extending from Chateau, exclusive, northward.

4.—PRESBYTERIAN EDUCATIONAL DISTRICTS.

Harbor Grace shall include all that section of Conception Bay that lies between Brigus and Bay de Verde, both inclusive. The Board shall meet at Harbor Grace.

Bay of Islands shall include the electoral district of St. George's. The Board shall meet at Curling.

Grand Falls shall include the electoral district of Twillingate. The Board shall meet at Grand Falls.

St. John's shall include St. John's and all the settlements of the Colony not included in the three foregoing districts.

5.—CONGREGATIONAL EDUCATIONAL DISTRICTS.

For the purpose of the Congregational denomination there shall be one Educational District embracing the whole Island. The Board shall meet at St. John's.

6.—SALVATION ARMY EDUCATIONAL DISTRICTS.

The District of St. John's shall comprise the electoral districts of St. John's East, St. John's West, Ferryland, Harbor Main, Port de Grave and Harbor Grace.

The District of Carbonear shall comprise the electoral districts of Carbonear, Bay de Verde and Trinity.

The District of Bonavista shall comprise the electoral district of Bonavista, and that portion of the electoral district of Fogo extending from Cat Harbor to Alder Harbor, inclusive.

The District of Twillingate shall comprise that portion of the electoral district of Fogo, extending from Alder Harbor to Island Harbor, the whole of the electoral district of Twillingate, and that portion of the electoral district of St. Barbe extending from La Scie to Brent's Cove, inclusive.

The Southern District shall comprise all that portion of the electoral district of St. Barbe extending from Brent's Cove to Trout River and the whole of the electoral districts of St. George's, Burgeo and La Poile, Fortune Bay, Burin, and Placentia and St. Mary's.

7.—THE SEVENTH DAY ADVENTISTS' EDUCATIONAL DISTRICTS.

For the purposes of the Seventh Day Adventists there shall be one Educational District embracing the whole Island. The Board shall meet at St. John's.

SCHEDULE B.

COURSES OF STUDY FOR PUBLIC SCHOOLS.

NOTE.—The figures in brackets by the side of the name of each group of subjects in the several standards denote the percentage of the school day (clear of opening and closing exercises, religious exercises and recesses) that should be given to the group.

PRIMER.

GROUP I.—LANGUAGE. (40)

Reading.

Short familiar words and interesting sentences made up of the same, from blackboard, chart and reader. Analysis and synthesis of words by sound. Read with taste and expression a variety of stories as in various Primer Readers. Exercises in breathing, and mouth movements for common vowel sounds, both open, and checked for consonants.

Writing.

Copy in print and script familiar words and short sentences from models. Correct forms of single letters grouped according to formation. Writing words and short sentences from dictation.

Oral and Written Composition and Spelling.

Telling stories, told or read.

Memory Work.

Learning and reciting short pieces, a minimum average of two lines a day.

GROUP II.—MATHEMATICS. (12)

Arithmetic.

Combinations of numbers up to 20 with and without objects. Use ball-frame, pegs, split-peas, etc. Count to 20 by 1's, 2's, 3's, 4's, backwards and forwards. Use terms: one-half, one-third, one-fourth. Teach quart and pint, gallon and quart, yard and foot. Learn to write the figures.

Form and Geometrical Exercises.

Shape of triangle and square.

GROUP III.—NATURE STUDY. (12)

Natural Objects and Phenomena.

Recognition and naming of the common plants and trees. Observe the flesh-eating animals (dog, cat, etc.) for habits and the adaptation of parts to habits.

Geography.

Uses of plants, animals and some of the common rocks to man.

Hygiene.

Simple talks upon the body and some of its principal parts; playing, sleeping and eating, cleanliness; home-life, school-life and habits.

GROUP IV.—HISTORY AND LITERATURE. (12)

History.

The telling of carefully selected folk-lore and fairy stories. The simplest of the Old Testament stories are most interesting to children as well as inspiring and uplifting.

GROUP V.—MISCELLANEOUS. (24)

Drawing and Art.

Express in drawing simple incidents of home and school-life. Repeated lessons on a few simple and familiar objects to develop thorough acquaintance and careful observation. The six typical colours: Red, Orange, Yellow, Green, Blue, Violet.

Manual Training.

Blocks and toys, paper folding, and, if possible, sand modelling and other such work. Use of the ruler in ruling and measuring whole inches.

Singing

Breathing and phonic exercises; sing sweetly and in unison simple, child-like songs.

Physical Exercises.

Sitting properly in the desks. Rising and standing at given signal. Marking time. Turning to left and right. Easy free movements of the trunk and limbs. Games, plays, etc.

STANDARD I.

GROUP I.—LANGUAGE. (40)

Reading.

Selections in order of difficulty from Standard I. Readers.

Train children to read naturally and fluently so as to gather the substance. Analysis and synthesis of word continued. Breathing exercises. Daily phonic drill for enunciation and correct voice production.

Writing.

Introduce Copy-Books. Copying and writing from dictation. Continue study of the letters.

Oral and Written Composition and Spelling.

Simple story telling by pupils. Dictation. Spelling of common words.

Memory Work.

Continue the learning and reciting of short pieces both in prose and verse as in the Primer Class.

GROUP II.—MATHEMATICS. (12)

Arithmetic.

Numbers up to 100, concretely and abstractly. Counting by 5's, 6's up to 50—backwards as well as forwards. Use the terms: fifth, sixth, eighth, tenth. Application of all to the familiar weights and measures and particularly to Newfoundland coinage up to 50 cents.

Form and Geometrical Exercises.

Lines, straight and curved; square and oblong; cube shape and brick shape.

GROUP III.—NATURE STUDY. (12)

Natural Objects and Phenomena.

Similar to Primer Class. Introduce the grass-eating animals.

Geography.

Talks of vegetable, animal and mineral products useful to man, with which children are familiar. Cardinal points. Position, direction and distance applied to familiar bodies of land and water near the school.

Hygiene.

Continue the Primer Class Work. Introduce importance of fresh air and sunshine; evils of spitting habit; the five senses and their use to us.

GROUP IV.—HISTORY AND LITERATURE.

History.

As in Primer. Also other stories selected with reference to capacity of children, to the season, to what is done in nature study and reading. The Old Testament stories will continue to be very serviceable in this branch of education.

GROUP V.—MISCELLANEOUS. (24)

Drawing and Art.

Work along the same lines as Primer Class. Children should be directed as to taste and accuracy of observation.

Manual Training.

Similar to Primer Class. Paper-folding and cutting may be added. Foot ruler in half inches.

Singing.

Similar to Primer Class. The sol-fa scale should be learnt and the 3rd and 5th tones practised. Give particular attention to voice production, discourage shouting.

Physical Exercises.

Similar to Primer Class. Develop sense of rhythm. Marching in step. Dressing in line. Opening in two ranks for exercise.

STANDARD II.

GROUP I.—LANGUAGE. (36)

Reading.

Reader No. 2. Some longer consecutive stories of similar difficulty should be read. Insist upon clearness of enunciation, taste and expression in the reading. Pupils should be encouraged to find delight in reading. Continue breathing, phonic and mouth movement exercises; likewise analysis and synthesis of words.

Writing.

Continue copy-book course. Introduce capital letters, if not already taken. Copying and writing from dictation.

Oral and Written Composition and Spelling.

Daily practice in oral and written composition. Dictation for teaching use of capitals, common abbreviations, full-stop, interrogation and exclamation marks. Constant attention to spelling necessary.

Memory Work.

Carefully selected prose and poetry continued.

GROUP II. MATHEMATICS. (15)

Arithmetic.

Numbers to 1000. The four processes (addition, subtraction, multiplication and division) confined to small numbers. Application of the same to familiar weights and measures, particularly Newfoundland coinage. Problems.

Form and Geometrical Exercises.

Measurements of familiar surfaces and practical applications. The common kinds of triangles. Some idea of rectangular, vertical and horizontal.

GROUP III.—NATURE STUDY. (15)

Natural Objects and Phenomena.

Notice growth of plant life from seed to seed. Observe the cabbage, turnip, cress or lettuce. Plant some seeds (such as cress or lettuce) for observation. Continue study of plants, trees and common animals. Study birds for habits, and adaptation of parts to habits. Comparative study of feathers. Change of colour for the winter in Newfoundland. Effect of spring upon plant and animal life.

Geography.

Home geography including local surroundings and industries. Facts relating to surface, soil and productions. Definitions of common physical features of water and land. Begin to keep a weather chart and record.

Hygiene.

Care of hands, hair, teeth, eye, ear, skin, etc.; clothing, ventilation, heating, lighting. Review previous work.

GROUP IV.—HISTORY AND LITERATURE. (12)

History.

Any stories that may be connected with the history of the locality. Pioneers of the settlement, traditions. The coming of John Cabot. The early fishermen and their ways.

Literature.

Selected folk-lore, fairy tales, myths. There may be added talks on public celebrations such as: Christmas, Empire Day, King's Birthday, Easter. The Union Jack may be described, drawn with ruler and coloured.

GROUP V.—MISCELLANEOUS. (22)

Drawing and Art.

Continue expressive drawing of personal experiences, stories heard or read in school, etc. Draw toys, boats, birds, animals, and other familiar things. Guide the children to accurate observation and good taste. Encourage use of colours. Detail not to be emphasized at this stage.

Manual Training.

Arrangements of pegs, split peas, etc. Decoration of book-marks, souvenirs, valentines, holiday greetings, etc., with paper cutting, stitching, embroidery, crayon, paint, etc.

Singing.

Continue breathing and phonic exercises. Tonic *sol fa* scales and the major intervals. Reading *sol-fa* exercises from blackboard and from hand signs. Happy songs. Patriotic songs.

Physical Exercises.

Continue previous work and add to it. Marching in file with good carriage and proper distance. Marching in twos. Teach games and train children to be fair, good-tempered, unselfish and courteous.

STANDARD III.

GROUP I.—LANGUAGE. (30)

Reading.

Reader No. 3. Longer consecutive stories. Continue the training in breathing, enunciation, taste, expression, etc. Analysis and synthesis of words continued.

Writing.

Continue copy-book course. Work should be carefully supervised as much as possible during the writing.

Oral and Written Composition and Spelling.

Continue the daily compositions with a more serious effort once each week. Dictation with special attention to spelling, punctuation, use of capitals, etc. Time to give attention to choice of words, clearness, originality.

Memory Work.

Memory work as before. Introduce and encourage dramatic recitations. Keep former selections reviewed. Some selections should be, if possible, characteristic of Newfoundland.

GROUP II.—MATHEMATICS. (16)

Arithmetic.

Numbers to one million. Introduce figures of two digits in multiplication and division. Common fractions to twelfths so as to find, for example, 5-12ths of a quantity. Application of knowledge to common weights and measures—particularly Newfoundland coinage. Comparisons and problems.

Form and Geometrical Exercises.

By means of squared paper, which may be ruled by the pupils, discover areas of squares, oblongs. Measure the length, breadth, thickness of objects with a rule or tape.

GROUP III.—NATURE STUDY. (20)

Natural Objects and Phenomena.

Fish—the different kinds in the locality, their habits and food so far as can be learnt. How their forms and colour are applied to their life and habits. Review previous work.

Geography.

Home Geography continued. The sun, moon and stars. The earth as a sphere in space. Seasons, day and night. The continents and oceans. Position of Newfoundland on earth's surface. Mariner's compass (8 points.)

Hygiene.

Enlarge upon previous work; resting, playing, working, eating, clothing, cleanliness, importance of good habits.

GROUP IV.—HISTORY AND LITERATURE. (14)

History.

Telling and reading stories of discovery and explorations. Review John Cabot and the early fishermen of Newfoundland. Add Sir Humphrey Gilbert and John Guy. Stories connected with history of Judaea and Egypt.

Literature.

Go through some such story, in simplified form, as Robinson Crusoe and have it read for the story and not as a grammar or spelling lesson.

GROUP V.—MISCELLANEOUS. (20)

Drawing and Art.

Drawings in outline or in mass of animals and children in interesting attitudes. Drawings in pencil, crayon or water colour, of leaves and flowers from nature. Application of same in borders. Study tints and shades of one colour.

Manual Training.

Continue previous work. Cutting of geometric forms in thin wood, if possible, or cardboard. Use of ruler involving $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$ inch.

Singing.

Expand previous work. Learn rather more difficult songs. Practice singing from tonic sol-fa at sight.

Physical Exercises.

Continue previous work. Add more complicated exercises. Introduce, if possible, dumb-bells or clubs (very light).

STANDARD IV.

GROUP I.—LANGUAGE. (30)

Reading.

Reader No. 4. Silent reading to be encouraged and occasions provided for such reading. Use should be made of the school library. Teach children how to use books of reference and other books to obtain useful in-

formation in history, geography, science, etc. Continue analysis and synthesis of words. Learn how to use a dictionary.

Writing.

Copy-books continued. Instruction for those who need it.

Oral and Written Composition and Spelling.

Continue daily and weekly composition. Practice and study letter writing as a specialty. Encourage originality and freshness.

Memory Work.

Continue recitation work. Begin to give some attention to the beauty of form and fancy in poetry.

Grammar.

Sentences. The four kinds are divided into two parts—subject and predicate, the chief words of which are, noun and verb. Some verbs require an object; others not. Pronouns.

GROUP II.—MATHEMATICS. (16)

Arithmetic.

Decimal fractions to hundredths. Cancellation. Measures. Multiples. Reduction. Bills of Parcels. Unitary method in problems. Review previous work.

Form and Geometrical Exercises.

Kinds and areas of triangles. Areas of surfaces of cube and square pyramid.

Note for Arithmetic above:—

A tierce of salmon	300 lbs.
A quintal of fish	112 “
A barrel of pork	200 “
A barrel of potatoes	180 “
A barrel of flour	196 “
A hogshead of salt	54 gals.

GROUP III.—NATURE STUDY. (20)

Natural Objects and Phenomena.

Pebbles, sand and clay. Recognize some of the common rocks, such as—quartz, mica, granite, limestone, sandstone, etc. Fish, continued.

Give special attention to the habits of trout, salmon, cod, herring. Effect of heat on water and air. Meaning of density. Barometer and thermometer—their uses.

Geography.

Review and enlarge previous work. Zones, latitude, longitude, hemisphere, etc.

Study climate conditions of Newfoundland and the effect of the climate on the seasons, the character of the people, the habits of the animals, and the vegetation of the country. The natural features of Newfoundland (deal with the principal ones only.) Mariners compass (32 points). Learning the meaning of marks and signs on navigation charts.

Hygiene.

Review previous work and make fresh air, water and food a special study. If time permits, deal practically with first aid to the injured.

GROUP IV.—HISTORY AND LITERATURE. (14)

History.

Continue stories of discovery and exploration, especially in connection with Newfoundland, and John Cabot, Sir Humphrey Gilbert, John Guy, Richard Whitbourne, Lord Baltimore and Captain Cook.

Literature.

Go through some such books as: Greek Heroes (Kingsley), or Stories of the Iliad and Odyssey (Church).

Civil Government.

Why and how Parliament is elected. Duties of citizens.

GROUP V.—MISCELLANEOUS. (20)

Drawing and Art.

Expression of life in action. Consecutive lessons on subjects to develop ability to draw the chief characteristics of a few things well. Careful study of proportion and of the appearance of objects in different positions. Memory drawing.

Manual Training.

Continue and develop previous work. The making of common useful articles in card, wood or rushes.

Singing.

Continue previous work. Keys of C, G and F. Expression.

Physical Exercises.

Continue previous work. Marching in fours. Running in step. Dumb-bells, clubs or bar-bells. Figure marching.

STANDARD V.

GROUP I.—LANGUAGE. (30)

Reading.

Reader No. 5 with general literature, books being chosen from time to time suited to the interest and capacity of the pupils. Encourage use of the library. Keep up the word-building.

Writing.

Instruction for those who need it.

Oral and Written Composition and Spelling.

Daily and weekly compositions continued. Dictation, paragraph, simile, metaphor, apostrophe. Choice of words to suit the purpose best.

Memory Work.

Learn some of the best passages met with in the class reading; encourage dramatic action, clearness of enunciation, naturalness.

Grammar.

Add in this order:—Adjective, adverb, preposition, conjunction, interjection. Common rules of syntax. Analysis of sentences—the compound and complex sentences to contain not more than two clauses. Leave the noun clause until next Standard, if necessary.

GROUP II.—MATHEMATICS. (16)

Arithmetic.

Review previous work. Covering floors, walls, etc. Bricks for chimney. Practice—particularly applied to transactions with fish. Percentage. How to take discount from an account. How to make out ordinary shop-bills and to receipt them. How to add, subtract, multiply and divide easy, simple fractions (vulgar and decimal).

Form and Geometrical Exercises.

Use of set squares for drawing right angles, parallel lines and the natural angles of set squares. Drawing by simplest method, triangles, squares and rectangles; the bisection of a line and an angle, very simple exercises in circles. By practical methods how to find solid contents of cube and rectangular prism.

Algebra (Optional).

A beginning may be made in Algebra by those who hope to take a col-

lege course, substitution, four processes (addition, etc.), easy fractions and simple equations, graph representation.

GROUP III.—NATURE STUDY. (20)

Natural Objects and Phenomena.

The wild fruits of Newfoundland. The common trees of the country; how they grow, flower and produce seed. Protection of trees. Common ores of iron and copper. Fish continued. Take the bait fishes and particularly the squid and caplin. Study their life and habits; the time of their coming and going. Rain, cloud, fog, snow and ice.

Geography.

The general geography of Newfoundland with special attention to products and industries. Position of the countries with which Newfoundland trades and a very general knowledge of their peoples and productions.

Hygiene.

Review previous work. Foods and drinks. Exercise. Germs and disease.

GROUP IV.—HISTORY AND LITERATURE. (14)

History.

Newfoundland: review previous work; study the stories of visits of the early Norsemen to Newfoundland; history of the British races from the first century B.C. to the end of the 15th A.D. in outline, with sufficient details to enable the pupils to trace the development of the British character. The gradual abolition of wrongs and the growth of the sense of right and other social virtues. The steady acquisition by the people of a share in the government. Deeds of valour will continue to stimulate heroism and patriotism.

Literature.

Read books bearing on the above, such as, selections from Whitbourne's and other histories of the Colony. Knights of the Round Table. Merry Adventures of Robin Hood.

NOTE.—If time permits, add stories of Marathon, Plataea and Salamis; the Punic Wars and the Scipios:

GROUP V.—MISCELLANEOUS. (20)

Drawing and Art.

Elementary freehand drawing (without perspective) of quite or

nearly flat objects (as kite, spoon, fan, spade, fish, hook) or from typical diagrams of simple plant form showing their essential characteristics but omitting accidental variations.

Encourage use of colours. Endeavour to develop confidence, fluency, grace, and delight in the work.

Manual Training.

Boys: Make the following knots: Reef, sheet bend, clove hitch, bow-line, fisherman's sheepshank. Learn how to sew on a button, to knit, to saw wood to a line, to use and sharpen an axe and a chisel.

Girls: Sewing and knitting.

Singing.

Add the keys D, A, B flat and E flat. Sing two part songs: (Tonic sol-fa).

Physical Exercises.

Add to the exercises already learnt. Insist on rhythmic and graceful movement of body and limbs. Figure marching.

For boys: Paper-chase and cross-country runs.

STANDARD VI.

GROUP I.—LANGUAGE. (30)

Reading.

Literature suited to the interest and capacity of the pupils. Information reading and use of reference books.

Writing.

All written work must be watched in order that good habits of writing may be preserved.

Oral and Written Composition and Spelling.

Continue compositions. Abstract subjects may now be attempted. Give increasing attention to style and choice of words.

Memory Work.

Memorise some of the best portions of what is read in reading.

Grammar.

Analysis of easy sentences of all kinds. Inflection. Parsing. Syntax. Common prefixes and suffixes.

GROUP II.—MATHEMATICS. (16)

Arithmetic.

Vulgar and decimal fractions (excepting recurring decimals). Simple interest. Problems.

Form and Geometrical Exercises.

Practical and theoretical Geometry applied to points, straight lines, angles and triangles.

Mensuration and Navigation.

Solid contents of cylinders; surveying of lumber; or coastwise sailing.

Book-keeping.

Double entry; bank, cash, capital, personal, goods, profit and loss, balance.

Algebra.

Easy fractions; simple equations of one unknown quantity, problems, use of graph paper.

N.B.—Only one of mensuration and navigation, book-keeping and algebra need be studied.

GROUP III.—NATURE STUDY. (17)

Natural Objects and Phenomena.

Coal: How formed, how worked, combustion, candle-flame. Continue the study of fish life: the clam, the mussel, the lobster. Foods of fish. Their favorite temperature. The effects of boiling and salting on the flesh of fish.

Geography.

Review previous work and take up the New or the Old World for particular study in alternate years.

Hygiene.

Circulation, digestion, breathing, secretion, generation of heat in the body. Continue study and practice of first aid to the injured.

GROUP IV.—HISTORY AND LITERATURE. (17)

History: Newfoundland.

Add to the list of men to be studied: John Mason, Sir David Kirke, Sir John Reeves and Sir Thomas Cochrane.

Features of the 17th Century—Fishing admiral rule, repression of settlement, struggle with the French for mastery.

Features of the 18th Century—Progress: First Governor appointed 1728, arrived 1729.

British History as in Standard V., but in greater detail, or 1509 to present time treated in same general way.

Literature.

Read literature bearing on period of history.

Civil Government.

The general principles of our constitution. How the revenue is collected and spent. Responsibility of every citizen for the good government of the country.

GROUP V.—MISCELLANEOUS. (20)

Drawing and Art.

Continue and develop the freehand work of Standard V. Give very particular attention to proportion. Introduce drawing from models. Memory drawing. Study some works of art.

Manual Training.

For all:—Semaphore alphabet. Use of the triangular bandage (practical). How to stop bleeding. Means of saving life from drowning.

For Boys:—Wood-work with the pocket-knife. How to make a shelter in the woods.

For Girls:—Sewing and knitting.

Singing.

Add the keys E and A flat. Singing two-part songs, tonic sol-fa.

Physical Exercises.

More difficult exercises than before.

STANDARD VII.

GROUP I.—LANGUAGE. (30)

Reading.

As in Standard VI. Work more advanced.

Writing.

Care in all written work to be demanded.

Oral and Written Composition and Spelling.

Continue compositions. Original stories may be possible by now from some of the pupils.

Memory Work.

Memorize some of the best passages from the literature read.

Grammar.

Analysis, parsing, inflection and syntax to be completed. Word building.

GROUP II.—MATHEMATICS. (20)

Arithmetic.

Review previous work. Add recurring decimals, square root, compound proportion, compound interest, profit and loss, discount, easy stocks, the metric system. Long and cross "tots."

Form and Geometrical Exercises.

Practical and theoretical geometry as applied to points, lines, angles, triangles, parallelograms, and circles.

Mensuration and Navigation.

Cylinder, sphere, prism, cone, land-surveying; or plane, traverse, and great circle sailing.

Book-keeping.

Double entry complete.

Algebra.

To quadrates of two unknown quantities, graphs.

N.B.—Only one of mensuration and navigation, book-keeping, and algebra need be studied.

GROUP III.—NATURE STUDY. (12)

Natural Objects and Phenomena.

General review of plants, trees, animals and minerals so far studied with special attention to fish-life. The means of preserving fish for purposes of food. Emphasize need of cleanliness.

Geography.

The world in general, the British Empire in particular. Dwell especially on the conditions that control climate and the effects of the climate resulting from the conditions.

Hygiene.

Review the work of the previous Standards, and go into the subjects more thoroughly.

Add:—Ailments, consumption, emergencies, care of infants, preparation of food, laundry and sewerage.

GROUP IV.—HISTORY AND LITERATURE. (18)

History.

Complete the History of Newfoundland, giving particular attention to:—Settlement, Treaty Shore question, United States fishery rights, Representative and responsible government, railway and steamship development, industries, education.

British History: 1603-1760, or 1760-1905.

Literature.

Appropriate literature.

GROUP V.—MISCELLANEOUS. (20)

Drawing and Art.

Pencil or brush drawing of objects such as flowers, leaves, shells, birds, fish, etc. Ornamental designs, models, memory drawing.

Manual Training.

Boys:—Carpentry in making simple furniture or boat-building, etc., or some other form of handicraft. Review work of Standards V. and VI.

Girls:—Cooking and laundry, if possible, or sewing and knitting.

Singing.

The staff notation. Singing at sight from same (easy exercises). Songs in unison and parts.

Physical Exercises.

Complete some course of physical exercises such as that issued by the Board of Education, London, 1909.

SCHEDULE C.

Account of Income and Expenditure of the Board of Education for the District of , for the year ending June 30th, 19.., showing the amounts actually received and actually disbursed during the year.

INCOME.

\$ c.

1—To	balance in hand from previous year	
2— “	Legislative grant for General Educational purposes	
3— “	Amount received from sparsely populated localities grant	
4— “	Amount received from Superior or High Schools grant	
5— “	Other legislative appropriations (specify them)	
6— “	Receipts from fees	
7— “	Voluntary contributions and donations	
8— “	Receipts from other sources (specify them)	
	Total income for year	
	Balance June 30th, 19.., (if overdrawn)	

EXPENDITURE.

\$ c.

1—By	Balance on July 1st, 19.., (if overdrawn)	
2— “	Total paid in Salaries to Teachers (particulars to be inserted in the space provided below)	
3— “	Salary to Secretary (if paid)	
4— “	Books, Maps, Globes, etc.	
5— “	Furniture and other apparatus	
6— “	Insurance on School property	
7— “	Fuel, light, etc.	
8— “	Repairs	
9— “	Rent	
10— “	Insurance	
11— “	Building school-houses (including purchase of sites)	
12— “	Incidentals	
	Total Expenditure for year	
	Balance on hand June 30, 19.., (if on hand)	

DETAILS OF TEACHERS AND SCHOOLS.

Teacher.	School.	No. of months employed.	Amount.

Total as above (Item 2)

BANK STATEMENT.

Balance at the bank as indicated in the pass book, on.....
19... .. \$

Cheques not cashed: No.
 No.
 No.
 No.

Total uncashed cheques (to be subtracted)

Cash in hand (to be added)

Balance (which should agree with balance shown in financial
statement)

I hereby certify that the foregoing is a true account of income and
expenditure on account of the Board of Education for the
District of, for the year ending June 30th, 19...

_____, Chairman
Audited and found correct, thisday of, 19...
_____, Auditors

SCHEDULE D.

*A List of Furnishings and Equipment with which every School and
Department should be supplied.*

- 1.—A supply of desks and seats of suitable construction, sufficient to
provide comfortable seating and working accommodation for all the
pupils.
- 2.—A teacher's desk, having several drawers.
- 3.—A book case, with doors and lock.
- 4.—Two or three chairs for teachers and visitors.

- 5.—One or more small tables.
- 6.—Chalk, erasers, pointers, compasses, T square and two set squares for black-board.
- 7.—A good supply of black-board surface.
- 8.—A clock.
- 9.—A bell.
- 10.—A thermometer.
- 11.—A compass, chart or charts.
- 12.—A model navigation chart.
- 13.—A filter for drinking water.
- 14.—Toilet appliances and towels and soap for washing hands.
- 15.—Dust-pan and broom.
- 16.—A saw and axe, if wood fuel is used; and a scuttle and shovel, if coal is used.
- 17.—A snow shovel.
- 18.—Ink-filler.
- 19.—Waste-paper basket.
- 20.—Suitable supply of maps and wall pictures.
- 21.—A Union Jack.

SCHEDULE E.

Deductions Authorized to be made from the Grant for General Educational Purposes provided under Section 71 (a) of this Chapter.

Before the grant for general educational purposes provided for in section 71 (a) is distributed among the several Boards of Education of the respective denominations, the following deductions shall be made in the manner indicated below:

(1) FROM THE CHURCH OF ENGLAND SHARE OF THE SAID GRANTS

(a) The sum of two thousand six hundred and seventy-three dollars shall be paid annually to the Colonial and Continental Church Society,

which amount shall be deducted from the appropriations hereby made for members of the Church of England in the several districts where the said Society's schools are, or shall be established: Provided the number of such schools be not less than eighteen, according to the number of the Society's schools from time to time in operation in each District, an equal amount being deducted for each school, the Society's schools at present existing in St John's District being considered as three schools, which said sum shall be paid quarterly to the President of the Corresponding Committee or other person duly authorized to receive the same, on the production of a certificate that a school or schools have been in operation in the several districts where the said Society's schools may be established under the direction of the said Society and for the period for which the amount is payable. In case the said Society shall at any time withdraw or close its school or schools in any of the districts, the amount payable to the said Society for the support of such school shall be paid to the Church of England Board of Education for such district.

(b) The sum of one thousand dollars shall be paid in quarterly instalments to such Training Institutions as shall provide competent instruction to such pupil teachers as may be appointed to be trained therein: Provided that the Superintendent of Church of England Schools shall certify that such institutions afford all necessary facilities for the professional training of such pupil teachers, and shall be empowered with the consent of the Governor in Council to recommend such amounts as the merits of each of such institutions may warrant.

(c) The sum of six hundred dollars shall be annually paid to the Church of England Board of Examiners towards the support of a Home for Pupil Teachers of the Church of England in St. John's. The said sum shall be expended under rules and regulations to be approved by the Governor in Council.

(2) FROM THE ROMAN CATHOLIC SHARE OF THE GRANT.

(a) The sum of six hundred dollars shall be annually paid to the Roman Catholic Board of Examiners, towards providing for the proper lodging and maintenance of Roman Catholic pupil teachers in St. John's, of which the sum of three hundred dollars shall be applied for the purposes of male teachers, and three hundred dollars for females in such manner and under such rules and regulations as may be approved by the Governor in Council.

(b) There shall be paid annually to the Roman Catholic Archbishop

of St. John's, the sum of two thousand and seventy-three dollars for the support of Convent schools, as follows:—

For the Convent school at Renew's, three hundred and forty-six dollars.

At Ferryland, two hundred and seven dollars.

At Witless Bay, two hundred and thirty dollars.

At Torbay, two hundred dollars.

At Placentia, two hundred and thirty dollars.

At Burin, two hundred and thirty dollars.

At St. Mary's, two hundred and thirty dollars.

At Trepassey, two hundred dollars.

At St. Lawrence, two hundred dollars.

(c) There shall be paid annually to the Vicar Apostolic of St. George's, the sum of four hundred dollars for Convent Schools, as follows:—

At St. Jacques, two hundred dollars.

At St. George's, two hundred dollars.

(d) And there shall be paid annually to the Roman Catholic Bishop of Harbor Grace, the sum of one thousand eight hundred and fifty-one dollars and four cents, to be expended for the support of Convent schools, as follows:—

For the Convent school at Harbor Grace, four hundred and sixty-one dollars and seventy-six cents.

At Carbonear, four hundred and sixty-one dollars and seventy-six cents.

At Conception Harbor, three hundred and twenty dollars.

At Harbor Main, three hundred and forty-six dollars and seventy-six cents.

At Brigus, two hundred and sixty dollars and seventy-six cents.

(e) There shall be annually appropriated towards the support of the Roman Catholic Academy in Harbor Grace, the sum of one thousand two hundred and twenty-nine dollars and twelve cents. The said sums shall be paid to the Board of Education for Harbor Grace and Carbonear appointed under section twenty-six of this Chapter.

(f) There shall be annually appropriated towards the support of the Roman Catholic Academy in Carbonear, the sum of four hundred and fifty-four dollars. The said sum shall be paid to, and expended by, the Roman Catholic Board of Education appointed under section twenty-six of this Chapter, for the District of Harbor Grace and Carbonear.

(g) The sum of three hundred and twenty dollars shall be paid annually towards the statutable salary of the Roman Catholic Superintendent of Education for Harbor Grace.

(3) FROM THE METHODIST SHARE OF THE SAID GRANT.

The sum of six hundred dollars shall be paid annually to the Methodist Board of Examiners, towards the support of a Home in St. John's for Methodist pupil teachers. The said sum shall be expended under rules and regulations to be approved by the Governor in Council.

SCHEDULE F.

General Regulations concerning the Certifying and Classifying of Teachers.

It is required of every candidate that he (or she) :—

- 1.—Shall be not less than sixteen years of age nor more than thirty-five years of age;
- 2.—Shall be in good health and have a sound constitution;
- 3.—Shall bear an unexceptionable moral character;
- 4.—(a) Shall be a pupil teacher or shall have gone through a special course of instruction in one of the training or other institutions provided for by this Chapter; or
(b) Shall have been trained in some recognized training or normal school abroad; or
(c) Shall have graduated at a chartered college or university;
or

- (d) Shall have been engaged as a licensed teacher under section 49 of this Chapter and have performed his (or her) duty as such to the satisfaction of the Board of Examiners;
- 5.—Shall be acquainted with the provisions of this Chapter, particularly those pertaining to the duties of teachers;
- 6.—Shall have a knowledge of school organization comprising the classification of pupils; the arrangement of studies; the real object and necessity, as well as the best means of discipline and of securing the health and comfort of the pupils;
- 7.—Shall be qualified to conduct courses of physical culture and of drawing, according to well recognized systems;
- 8.—Shall have a knowledge of approved methods of teaching and be able to illustrate the same by actual practice;
- 9.—Shall pass examinations for the several grades of certificate as prescribed below and comply with such other rules and regulations as may from time to time be drawn up by the respective Boards of Examiners consistent with this Chapter.

EXAMINATIONS.

Candidates for the several grades of certificates must hold diplomas or certificates as follows:—

Diplomas or Certificates required by the Candidates.

Associate Grade:—The diploma of Associate in Arts of the Council of Higher Education, together with a satisfactory certificate of knowledge of the elements of psychology as applied to the practice of school method.

First Grade:—Intermediate or higher diploma of the Council of Higher Education, including satisfactory certificate of knowledge of English, arithmetic, algebra, geometry, school management, history, geography, drawing, and a foreign language or a science or navigation or practical music.

Second Grade:—Intermediate or higher diploma of the Council of Higher Education, including satisfactory certificate of knowledge of English arithmetic, geometry, history, geography, school management, drawing, hygiene, and navigation or mensuration or algebra.

Third Grade:—Preliminary or higher diploma of the Council of

Higher Education, including satisfactory certificate of knowledge of English, arithmetic, geometry, (which may be confined to practical geometry), history, geography, hygiene, drawing, and school management.

All female candidates for the First or Second or Third Grades, must satisfy the Board of Examiners that they are qualified to teach plain needlework.

SCHEDULE G.

Regulations for the Admission of Pupil Teachers.

1.—Every candidate shall be not less than sixteen nor more than thirty-five years of age.

2.—Shall produce a certificate of good character from the Chairman of the Education Board, or from some clergyman of his denomination for the district in which he resides.

3.—Shall be free from any serious bodily defect, and shall produce a certificate of good health satisfactory to the Board of Examiners.

4.—Shall pass an examination satisfactory to the Board of Examiners in the subjects considered essential by the Board.

5.—Shall fulfil such other conditions as the Board of Examiners shall from time to time prescribe.

SCHEDULE H.

THIS INDENTURE, made at, in the Island of Newfoundland, thisday of, in the year of our Lord one thousand nine hundred and, between, as Superintendent ofschools, of the first part;of, of the second part; andof,of the third part.

Witnesseth that, for the consideration hereinafter mentioned, the said parties of the second and third parts jointly and severally covenant with the said party of the first part, that the said party of the second part shall become a pupil teacher in order to receive a special course of instruction in the business of teaching in theinand shall continue as such pupil teacher for a term of one, two or three years, or such portion thereof as shall be determined by theBoard of Examiners.

Secondly,—That the said party of the second part shall, during the aforesaid term, diligently applyself to all the studies appointed to, and further observe all the regulations that are or may be adopted in connection with the said College or School, for the government and training of pupil teachers.

Thirdly,—That the said party of the second part shall, immediately upon the completion of the aforesaid term of training, serve as a teacher in one of the public schools of the Colony appointed by the proper Superintendent, for a period of at least three years, or if the term of training shall have been extended beyond two years, serve as teacher one and a half times as long as the term of training.

And the said, as Superintendent ofSchools on behalf of the Government, covenants with the said party of the second part.

Firstly,—That there shall be paid quarterly, during the said term, towards the maintenance and training of the said party of the second part as such pupil teacher, the sum of, in accordance with the provisions of the law in existence for the time being relative to pupil teachers.

Secondly,—That all needful training shall be furnished the said party of the second part duringpupil teachership, at the ordinary rate of charges for tuition in the

And the said parties of the second and third parts hereby jointly and severally covenant with the saidSuperintendent of..... Schools aforesaid, and his successors in office, in case of a breach of this contract by the said party of the second part in any matter or thing whatsoever, or in case of the said party of the second part not conforming to the rules made for the government and training of pupil teachers, or being dismissed by the Board of Examiners for misconduct, to pay to the said as Superintendent or his successors in office, the sum of four hundred dollars or such proportion thereof as the unexpired period of service bears to the whole period of service, as liquidated damages and not as penalty as if the said sum were assigned as liquidated damages for the specific breach of any separate provision herein contained.

In witness whereof the said parties have hereunto subscribed and set their hands and seals, ataforesaid the day and year first above written.

Signed, sealed and delivered,
in the presence of

SCHEDULE I.

THIS INDENTURE, made at, in the Island of Newfoundland, this day of, in the year of our Lord one thousand nine hundred and, between, as Superintendent of Schools, of the first part;, of, of the second part, and of of the third part.

Witnesseth, that for the consideration hereinafter mentioned, the said parties of the second and third parts jointly and severally covenant with the said party of the first part, that the said party of the second part shall be admitted into the in, in order to receive a special course of instruction in the business of teaching for a period not exceeding twelve months.

Secondly,—That the said party of the second part shall, during the said term, diligently apply self to all the studies appointed; and further, observe all the regulations that are or may be adopted in connection with the said College (or Training School) for the government and training of teachers.

Thirdly,—That the said party of the second part shall immediately upon the completion of the aforesaid term of training serve as a teacher in a public school of denomination for at least eighteen months.

And the said, as Superintendent of Schools, on behalf of the Government, covenants with the said party of the second part,—

Firstly,—That there shall be paid quarterly, during the said term, towards the maintenance and training of the said party of the second part, as said pupil teacher, the sum of, in accordance with the provisions of the law in existence for the time being relative to pupil teachers.

Secondly,—That all needful training shall be furnished the said party of the second part, during the term aforesaid, at the ordinary rate of charges of tuition in the said

And the said parties of the second and third parts jointly and severally covenant with the said Superintendent of Schools aforesaid, and his successors in office, in case of a breach of this contract by the said party of the second part in any matter or thing whatsoever, or in case of the said party of the second part not conforming to the rules made for the government and training of such teachers, or being dismissed for misconduct by the Board of Examiners, to pay to the said, as Sup-

erintendent, or his successors in office, the sum of two hundred dollars, or such proportion thereof as the unexpired period of service bears to the whole period of service, as liquidated damages for the specific breach of any **separate** provision herein contained.

In witness whereof the said parties have hereunto their names and seals subscribed and set as aforesaid the day and year first above written.

Signed, sealed and delivered
in the presence of ...

SCHEDULE J.

Form of Engagement of Teacher.

THIS AGREEMENT, made thisday of, A.D. one thousand nine hundred and, between, Chairman of theBoard of Education at, and

Witnesseth, that the saidagrees to serve the said Chairman and Board as teacher of school under the said Board, according to all the rules, regulations and bye-laws now in existence, or which may hereafter be adopted by the said Board in relation to its teachers and the government of its schools; and further diligently to apply to all the duties of a teacher aforesaid; and in consideration of such services being well and faithfully performed, to the satisfaction of the said Board, the said Chairman agrees, on behalf of the said Board, to pay the saidthe annual salary of \$.....by equal monthly payments on theday of each month, together withof the fees so long asshall continue as such teacher in such school.

And further, it is hereby agreed between the said parties to these presents, that this agreement shall be subject to termination on June 30th, orin any year, by the giving of three months' notice in writing to that effect by either of the parties to the other.

In witness whereof, the said parties to these presents have hereunto set their hands on the day and year hereinbefore mentioned.

A. B., Certificated Teacher.
C. D., Chairman.

Witness:—F. G.

SCHEDULE K.

A.—Rules, regulations and scale of payments, governing the augmentation grant.

In the manner set out in section 57 of this Chapter relating to the times of payment, and subject to the deductions prescribed in section 70 of this Chapter relating to the Teachers' Pension Fund, there shall be paid annually in augmentation of their salaries:—

- (a) To teachers engaged in public schools maintained in accordance with this Chapter who have received certificates of qualification, or whose qualifications are recognized by any Board of Examiners under this Chapter, and
- (b) To teachers engaged in colleges and other educational institutions subject to the provisions of this Chapter who, having been trained in one of the training schools, recognized in section 50 of this Chapter, have received certificates of qualification from a Board of Examiners appointed under this Chapter; the amounts set forth in the following table, provided the proper Superintendent shall certify in each case that such teachers have satisfactorily performed their duties in their respective appointments, in accordance with the requirements of this Chapter as prescribed in section 58 and other sections thereof:

TABLE OF AUGMENTATION PAYMENTS.

Amounts to be paid to teachers who have served as certificated teachers of the grade named for the number of years stated:

Grade and Sex	Less than 5 yrs.	Over 5 yrs.	Over 10 yrs.
<i>Third Grade:</i>			
Males	\$ 45	\$ 63	\$ 81
Females	45	63	81
<i>Second Grade:</i>			
Males	90	108	126
Females	72	90	99
<i>First Grades</i>			
Males	135	144	153
Females	108	117	126
<i>Associate Grades</i>			
Males	180	180	180
Females	144	144	144

*B. Pension Premiums to be paid by Teachers, according to age,
as provided for in Section 70 of this Chapter—*

Premium for Males.	Age	Premium for Females.	Age
\$4 29	16	\$3 61	16
4 57	17	3 84	17
4 87	18	4 10	18
5 19	19	4 37	19
5 54	20	4 66	20
5 90	21	4 98	21
6 31	22	5 31	22
6 73	23	5 67	23
7 19	24	6 06	24
7 69	25	6 48	25
8 22	26	6 93	26
8 80	27	7 41	27
9 43	28	7 94	28
10 10	29	8 51	29
10 84	30	9 13	30
11 63	31	9 80	31
12 50	32	10 73	32
13 43	33	11 32	33
14 47	34	12 19	34
15 60	35	13 14	35
16 85	36	14 19	36
18 21	37	15 34	37
19 72	38	16 61	38
21 40	39	18 02	39
23 31	40	19 64	40
25 41	41	21 40	41
27 75	42	23 37	42
30 39	43	25 59	43
33 39	44	28 12	44
36 82	45	31 02	45
40 77	46	34 34	46
45 37	47	38 21	47
50 77	48	42 76	48
57 23	49	48 15	49
64 92	50	54 68	50

SCHEDULE L.

*Annual General Return for the**School**Educational District***Sex—**

No. of Boys (a)

No. of Girls (b)

Total Pupils (c)

Attendance—

Average attendance (d)

Times School has been open (e)

Grand total attendance made by all pupils morning and afternoon (f)

No. of pupils for whom there is floor space (at the rate of not less than 15 square feet per pupil) (g)

No. enrolled according to age, as on December 31st of the current school year. (See note (5) below).

No. under 6 (h)

No. between 6 and 8 (i)

No. between 8 and 10 (j)

No. between 10 and 12 (k)

No. between 12 and 14 (l)

No. over 14 (m)

No. of pupils in the several Standards (see Schedule B., note (6) below).

No. in Standard 1. and under (n)

No. in Standard II. (o)

No. in Standard III. (p)

No. in Standard IV. (q)

No. in Standard V. (r)

No. in Standard VI. and over (s)

No. receiving instruction in particular subjects.

Divinity (t)

English Grammar (u)

English Composition (v)

Geography (w)

SCHEDULE L.—(Continued.)

*Annual General Return for the**School**Educational District*

No. receiving instructions in particular subjects—(continued):

Physiography	(x)
History—(British and Newfoundland)	(y)
Drawing	(z)
(a) Plain Needlework (girls); (b) Handicraft (boys)	(A)
(a) Hygiene; (b) Domestic Economy	(B)
Physical Drill	(C)
Vocal Music (Systematic Instruction)	(D)
Agriculture	(E)
Nature Study	(F)
Algebra	(G)
Book-keeping	(H)
Shorthand	(I)
Geometry	(J)
Mensuration	(K)
Navigation	(L)
Elementary General Science	(M)
Chemistry	(N)
Physics	(O)
Mechanics	(P)
Natural Science—(a) Geology; (b) Botany	(Q)
French	(R)
Latin	(S)
Practical, vocational or observational work	(T)
.....	(U)
.....	(V)
.....	(W)

Sundry—

No. of entries in the log-book	(X)
No. of public examinations	(Y)
No. of written examinations	(Z)
No. of visits by members of Board or authorized Visitors	(a)
No. of visits by other persons.....	(b)
No. of trees planted	(c)
Total fees collected	(d)

NOTES OF EXPLANATION.

Read carefully.

- (1) In the column for Annual Totals, it is the total number of the different pupils that have been in attendance under the several heads, for the year, and not the average that is needed, except in item D (see 2 below.) That is to say, for example, that in item P. it is the total number of different pupils in the school that have received instruction in that standard for any period, however short, and not the average number, that is required. (See 6 below.) And so in all the spaces of the Annual Totals excepting (d).
- (2) In the space (d), the average annual attendance will be obtained by dividing the total in (f) by the total in (e).
- (3) The total in (c) must agree with the following two sums: (1) *h, i, j, k, l, m.*; (2) *n, o, p, q, r, s.*
- (4) In T, by Public Examinations is meant oral examinations to which the public are invited.
- (5) Throughout the school year (July 1—June 30th following), the age of every pupil is to be recorded as on December 31st of the school year.
- (6) Each pupil is to be recorded in the annual total in one standard only, and that the highest which he has reached during the year; so that a pupil who, during the year, is promoted from Standard III. to Standard IV., for example, will be reckoned in Standard IV. only in the annual totals.

[TO BE FILLED IN BY TEACHER.]

1.—Make up salaries to nearest dollar as for the year:

	Teacher 1	Teacher 2	Teacher 3	Teacher 4	Teacher 5	Teacher 6
From Board.....						
From Fees.....						
From Augmentation.....						
Total.....						

2.—Apparatus:

(a) Square feet of blackboard

(b) No. of maps

(c) No. of globes

(d) No. of volumes in school library

(e) Nature of contents of natural history museum

.....

.....

.....

(f) Other apparatus

.....

3.—Was Arbor Day kept? Give date

4.—Was Empire Day kept?

5.—Floor space square feet.

6.—Area of glass in window square feet.

7.—Desk accommodation forpupils.

(In long desks, not less than 18 in. is to be
allowed each pupil).

8.—Condition of out-houses

9.—How often cleaned?

10.—What are the arrangements for cleaning the school-room?.....

.....

11.—No. that sat for C. H. E. Examinations this year:

(a) Primary

(b) Preliminary

(c) Intermediate

(d) A. A.

12.—What is the arrangement for supplying the pupils with books?

.....

13.—Date of inspection.....

14.—Have you kept night school at all during the year?.....

.....

If so, give brief report of numbers and work on the
back hereof.

I certify that the return is to the best of my knowledge and belief
accurate and true.

.....Head Teacher.

[TO BE FILLED IN BY THE CHAIRMAN]

15.—Estimated value of the school premises, including grounds,
fences and apparatusdollars.

16.—Is there a teacher's residence?.....

17.—Its condition

18.—Its estimated value

19.—Whose property are the fees?

20.—How collected, monthly, quarterly, or otherwise?

.....

21.—How are the quarters arranged?

.....

So far as I am able to judge, this report is correct.

.....

Chairman ofBoard of Education.

Date.....

SCHEDULE M.

MINIMUM FEES TO BE CHARGED IN PUBLIC SCHOOLS.

	For Elementary Schools, per annum.	For Superior or High Schools, per annum.
Standards 1, 2 and 3.....	\$1.00	
Standards 4 and 5	1.50	\$3.00
Standard 6.....	2.00	4.00

All fees shall be paid in advance, by the month or by the quarter as the Board shall deem most suitable to the teacher, and shall be the property of the Board, unless otherwise agreed upon between it and the teacher.

Any teacher or chairman of a Board may recover the said fees and any others provided by this Chapter, in a summary manner before a Justice of the Peace, by action either in his own name or in that of the Board: Provided that a fatherless child shall be entitled to free education in any public school except where the person undertaking his support is able to pay his school fees without embarrassment, and that nothing herein contained shall prevent the Board from remitting the said fees, or any part thereof, in the case of such persons as may be unable from poverty to pay the same.

CHAPTER 82.

Of Empire Day.

SECTION

- 1.—**Empire Day, May 24th**
- 2.—**May 25th in certain cases.**

SECTION

- 3.—**Empire Day a non-business day.**

1. In this Colony, in each and every year, the twenty-fourth day of May, not being a Sunday, shall be a Public and Bank Holiday and shall be kept and observed as such under the name of "Empire Day."

2. When the twenty-fourth of May is a Sunday the twenty-fifth of May shall be, in lieu thereof, in this Colony a public and bank holiday, and shall be kept and observed as such under the same name.

3. "Empire Day" shall be a non-business day for the purposes of the law relating to bills of exchange.



APPENDIX

Relating to the Government and Legislature
of the Colony

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COMMISSION

Appointing Captain Sir Thomas John Cochrane, Knight,
Governor of the Colony of Newfoundland, and authorizing
him to convoke a Legislative Assembly of the
Colony.

[DATED 2ND MARCH 1832.]

*WILLIAM THE FOURTH, by the Grace of
GOD of the United Kingdom of Great
Britain and Ireland, King, Defender of the
Faith, to our trusty and well-beloved Sir
THOMAS JOHN COCHRANE, Knight, greeting:*

Whereas We did by Our Letters Patent, bearing date at
Westminster, the 28th day of December, in the 1st year of
Our reign, constitute and appoint you, the said Sir Thomas
John Cochrane, to be Governor and Commander-in-Chief in
and over the Island of Newfoundland and Territories within
the limits therein described, as by the said recited Letters
Patent, relation being thereunto had, may more fully and
at large appear: Now know you, that We have revoked
and determined and by these presents do revoke and de-
termine, the said recited Letters Patent, and every clause,
article and thing therein contained: and further know you,
that We, reposing especial trust and confidence in the prudence,
courage and loyalty of you, the said Sir Thomas John
Cochrane, of Our especial grace, certain knowledge and
mere motion, have thought fit to constitute and appoint you,
the said Sir Thomas John Cochrane, to be Our Governor
and Commander-in-Chief in and over Our Island of Newfoundland
and the Islands adjacent, and all the Coast of Labrador,
from the entrance of Hudson's Straits to a line to
be drawn due north and south from Anse Sablon on the said
Coast, to the 52nd. degree of north latitude, and all the Islands
adjacent to that part of the said Coast of Labrador, as
also of all Forts and Garrisons erected and established, or to
be erected and established, in the said Island of Newfoundland

Commission to
Sir Thomas John
Cochrane.

Limits of his
jurisdiction.

land and the Islands adjacent, or on the Coast of Labrador within the limits aforesaid, or in the said Islands adjacent to that part of the said Coast, for and during Our will and pleasure.

His duties.

And We do hereby require and command you to do and execute all things in due manner that shall belong unto your said command and the trust We have reposed in you, according to the several powers and authorities granted or appointed you by this present Commission and the Instructions herewith given you, or according to such further powers, directions and authorities as shall at any time hereafter be granted or appointed you under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us, through one of Our Principal Secretaries of State, and according to such reasonable laws and statutes as shall hereafter be made and agreed upon by you with the advice and consent of the Council and Assembly of Our said Island and its Dependencies under your government, when such Assembly shall be called.

Oaths to be taken

And Our will and pleasure is, that you, the said Sir Thomas John Cochrane, after the publication of these Our Letters Patent, do take the oaths appointed to be taken by an Act passed in the 1st year of the reign of King George the First, intituled, "An Act for the further security of His Majesty's Person and Government, and the succession of the Crown in the heirs of the late Princess Sophia, being Protestants, and for extinguishing the hopes of the pretended Prince of Wales, and his open and secret abettors," as altered and explained by an Act passed in the 6th year of the reign of King George the Third, intituled, "An Act for altering the Oath of Abjuration and the Assurance, and for amending so much of an Act of the 7th year of her late Majesty Queen Anne, intituled "An Act for the improvement of the Union of the two Kingdoms," as after the time therein limited requires the delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason," or in lieu thereof the oath required to be taken by an Act passed in the 10th year of the reign of his late Majesty, intituled, "An Act for the relief of His Majesty's Roman Catholic Subjects," according as the said former Acts or the said last mentioned Act shall be applicable to your case; and likewise that you take

the usual oath for the due execution of the office and trust of our Governor and Commander-in-Chief in and over Our said Islands and Territories, and for the due and impartial administration of justice; and further, that you take the oath required to be taken by Governors of Plantations, to do their utmost that the several laws relating to trade and the plantations be duly observed; which oaths Our Council of Our said Island and its Dependencies, or any Three of the Members thereof, have hereby full power and authority and are required to tender and administer unto you, and in your absence to Our Lieutenant-Governor, if there be one on the place; all which being duly performed, you shall administer to each of the members of Our said Council such of the said oaths mentioned in the said several Acts as shall be applicable to the case of the individual Member of Our said Council taking the same; and you are also to administer to them the usual oath for the due execution of their places and trust respectively; all which oaths shall also be administered by the Governor or person administering the government of Our said Island and its Dependencies for the time being, to all such persons as shall hereafter be appointed to be of Our said Council, before they respectively enter upon the execution of the duties of such their offices.

And We do hereby give and grant unto you full power and authority to suspend any of the Members of Our said Council from sitting, voting and assisting therein, if you shall find just cause for so doing: and if it shall at any time happen that by the death, departure out of Our said Island and its Dependencies, suspension of any of Our said Councillors, or otherwise, there shall be a vacancy in Our said Council, any three of whom We do hereby appoint to be a quorum, Our will and pleasure is that you signify the same unto Us by the first opportunity, that We may, under our Signet and Sign Manual, constitute and appoint others in their stead: but that Our affairs at that distance may not suffer for want of a due number of Councillors, if ever it shall happen that there be less than seven of them residing in Our said Island and its Dependencies, We do hereby give and grant unto you, the said Sir Thomas John Cochrane, full power and authority to choose as many persons out of the principal freeholders, inhabitants of our said Island and its Dependencies, as will make up the number of Our Council to

The Council,
quorum, suspen-
sion of members
filling of vacan-
cies, emergency
appointments,
etc.

be seven, and no more, which persons so chosen and appointed by you shall be to all intents and purposes Councillors for Our said Island and its Dependencies until either they are confirmed by Us, or that by the nomination of others by Us under Our Sign Manual and Signet, Our said Council shall have seven or more persons in it.

General Assemblies.

And We do hereby give and grant unto you full power and authority, with the advice and consent of Our said Council, from time to time as need shall require, to summon and call general assemblies of the freeholders and householders within the said Island and its Dependencies under your government, in such manner and form, and according to such powers, instructions and authorities as are granted or appointed by your General Instructions accompanying this your Commission, or according to such further powers, instructions and authorities as shall be at any time hereafter granted or appointed under Our Sign Manual and Signet, or by Our Order in Our Privy Council; and Our will and pleasure is, that the persons thereupon duly elected by the major part of the freeholders and householders of the respective Towns or Districts, and so returned, shall before their sitting take such of the oaths mentioned in the said several Acts as shall be applicable to the case of the individual taking the same, which oaths you shall commission fit persons, under the seal of Our said Island and its Dependencies, to tender and administer unto them; and until the same shall be so taken, no person shall be capable of sitting, though elected: and We do hereby declare that the persons so elected and qualified shall be called and deemed the General Assembly of Our said Island of Newfoundland, and you the said Sir Thomas John Cochran, by and with the advice and consent of Our said Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute and ordain laws, statutes and ordinances for the public peace, welfare and good government of Our said Island and its Dependencies, and the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of Us, our heirs and successors, which said laws, statutes and ordinances are not to be repugnant, but as near as may be agreeable, to the laws and statutes of this our United Kingdom of Great Britain and Ireland.

Provided that all such laws, statutes and ordinances, of what nature or duration soever, be, within three months or sooner after the making thereof, transmitted to Us, under the public seal of Our said Island and its Dependencies, for Our approbation or disallowance of the same, as also duplicates thereof by the next conveyance. And in case any or all of the laws, statutes and ordinances not before confirmed by Us shall at any time be disallowed and not approved, and so signified by Us, Our heirs or successors, under Our or their sign manual and signet, or by order of Our or their Privy Council unto you, the said Sir Thomas John Cochrane, or the Commander-in-Chief of Our said Island for the time being, then such and so many of the said laws, statutes and ordinances as shall be so disallowed and not approved shall from thenceforth cease, determine and become utterly void and of none effect, anything to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by Our said Council and Assembly to the prejudice of Us, Our heirs or successors, We will and ordain that you, the said Sir Thomas John Cochrane, shall have and enjoy a negative voice in the making and passing such laws, statutes and ordinances as aforesaid, and that you, or, in your absence, the officer administering the Government, shall and may from time to time, as you or he shall judge it necessary, adjourn, prorogue or dissolve all general assemblies as aforesaid.

Powers of Crown
and Governor in
relation to
Statutes

And We do hereby authorize and empower you to keep and use the public seal for sealing all things whatsoever that shall pass the seal of Our said Island and its Dependencies. And We do further give and grant unto you, the said Sir Thomas John Cochrane, full power and authority from time to time, and at any time hereafter, by yourself, or by any other to be authorized by you in that behalf, to administer and give such of the said oaths in the said several Acts contained as shall be applicable to the case of the individual to whom the same shall be administered, to all and every such person or persons as you shall think fit who shall hold any office or place of trust or profit, or who shall at any time or times pass into Our said Island and its Dependencies, or shall be resident or abiding therein.

Public Seal and
Oaths.

Courts and officers of the law

And We do by these presents give and grant unto you, the said Sir Thomas John Cochrane, full power and authority, with the advice and consent of Our said Council, to constitute and appoint, in cases requisite, Commissioners of Oyer and Terminer, Justices of the Peace, Sheriffs, and other necessary officers and ministers in Our said Island and its Dependencies, for the better administration of justice, and putting the said laws into execution, and to administer, or cause to be administered, unto them such oath or oaths as are usually given for the due execution and performance of offices and places, and for the clearing of truth in judicial causes. And we do hereby give and grant unto you full power and authority where you shall see cause or judge any offender or offenders in criminal matters, or for any fines or forfeitures due unto Us, fit objects of Our mercy, to pardon all such offenders, and to remit all such offences, fines and forfeitures, (treason and wilful murder only excepted), in which cases you shall likewise have power upon extraordinary occasions to grant reprieves unto the offenders, until and to the intent Our Royal pleasure may be known therein.

Pardons and reprieves.**Presentation to Benefices**

And We do, by these presents authorize and empower you to present to the Bishop of the Diocese of Nova Scotia for institution any person or persons to any churches, chapels, or other ecclesiastical benefices within Our said Island and its Dependencies as often as any of them shall happen to be void.

Levies and Military operations.

And We do hereby give and grant unto you, the said Sir Thomas John Cochrane, by yourself, or by your Captains and Commanders by you to be authorized, full power and authority to levy, arm, muster, command and employ all persons whatsoever, residing within Our said Island and its Dependencies, and as occasion shall serve, them to march from one place to another, or to embark them for the resisting and withstanding of all enemies, pirates and rebels, both at sea and land, and to transport such forces to any of Our plantations in America, if necessity shall require, for the defence of the same against the invasion or attempt of any of our enemies, and such enemies, pirates and rebels, if there shall be occasion, to pursue and prosecute in or out of the limits of Our said Island and its Dependencies, or any of them, and if it shall so please God, them to vanquish, apprehend and take, and to execute martial law in the time of invasion,

war, or other times when by law it may be executed, and to do and execute all and every other thing and things which to Our Governor and Commander-in-Chief doth and ought of right to belong. And We do hereby give and grant unto you full power and authority, by and with the advice and consent of Our said Council, to erect, constitute and establish in Our said Island and its Dependencies, such and so many counties, townships, parishes, cities, boroughs and towns, as you, by the advice aforesaid, shall judge necessary.

Making of local divisions and districts.

And forasmuch as divers mutinies and disorders may happen by persons shipped and employed at sea during the time of war, and to the end that such as shall be shipped and employed at sea during the time of war may be better governed and ordered, We do hereby give and grant unto you, the said Sir Thomas John Cochrane, full power and authority to constitute and appoint captains, lieutenants, masters of ships, and other commanders and officers, and to grant unto such captains, lieutenants, masters of ships and other commanders and officers, commissions to execute the law martial during the time of war, according to the directions of an Act passed in the twenty-second year of the late majesty King George the Second, intituled, "An Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea," as the same is altered by an Act passed in the nineteenth year of the reign of King George the Third, intituled, "An Act to explain and amend an Act made in the twenty-second year of the reign of His reign of King George the Second, intituled, "An Act for amending, explaining and reducing into one Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea," and to use such proceedings, authorities, punishments, corrections, and executions upon any offender or offenders who shall be mutinous, seditious, disorderly, or anyways unruly, either at sea or during the time of their abode or residence in any of the ports, harbours or bays of Our said Island and its Dependencies, as the case shall be found to require, according to martial law, and the said directions during the time of war, as aforesaid; Provided that nothing herein contained shall be construed to the enabling you, or any by your authority, to hold plea, or have any jurisdiction of any offence, cause, matter or

Control of ships and mariners and application of martial law.

Punishment of offences committed at sea.

thing committed or done upon the high seas, or within any of the havens, rivers or creeks of Our said Island and its Dependencies under your government, by any captain, commander, lieutenant, master, officer, seaman, soldier or other person whatsoever, who shall be in actual service or pay in or on board any of our ships of war or other vessels acting by immediate commission or warrant from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being, under the Seal of Our Admiralty, but that such captain, commander, lieutenant, master, officer, seaman, soldier or other person so offending shall be left to be proceeded against and tried as their offences shall require, either by Commission under Our Great Seal of this Kingdom as the statute of the twenty-eighth of King Henry the Eighth directs, or by Commission from Our said Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being, according to the aforementioned Act, passed in the twenty-second year of the reign of King George the Second, as altered by the said Act passed in the nineteenth year of the reign of King George the Third; Provided nevertheless, that all disorders and misdemeanors committed on shore by any captain, commander, lieutenant, master, officer, seaman, soldier, or other person whatsoever, belonging to any of Our ships of war, or other vessels acting by immediate Commission or Warrant from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ireland for the time being, under the Seal of Our Admiralty, may be tried and punished according to the laws of the place where such offences, disorders, and misdemeanors shall be committed on shore, notwithstanding such offender be in our actual service, and borne in Our pay on board any such Our ships of war or other vessels acting by immediate commission or warrant from Our Commissioners for executing the office of High Admiral of Our United Kingdom of Great Britain and Ireland, or from Our High Admiral of Our United Kingdom of Great Britain and Ire-

Punishment of
offences committed
by officers or
men of the Navy
when on shore.

land for the time being as aforesaid, so as he shall not receive any protection for the avoiding of justice for such offences committed on shore, from any pretence of his being employed in Our Service at sea.

And Our further will and pleasure is, that all public

Public Moneys

moneys raised, or which shall be raised by any Act hereafter to be made within Our said Island and its Dependencies, be issued out by warrant from you by and with the advice and consent of the aforesaid Council (and not otherwise), and disposed of by you for the support of the Government, or for such other purpose as shall be particularly directed or appointed in and by such Act, and not otherwise; And We do likewise give and grant unto you full power and authority, by and with the advice and consent of Our said Council, to settle and agree with the inhabitants of Our said Island and its Dependencies for such lands, tenements and hereditaments

Grants of lands.

as are now, or hereafter shall be, in Our power, to dispose of, and them to grant, to any person or persons, upon such terms, and under such moderate quit-rents, services and acknowledgments to be thereupon reserved to Us, as you or they, by the advice aforesaid, shall think fit, which said grants are to pass and be sealed by Our Public Seal of Our said Island and its Dependencies, and being entered upon record by such officer or officers as shall be appointed thereunto, shall be good and effectual in law against Us, Our heirs and successors. And We do hereby give you the said Sir Thomas John Cochrane full power and authority to order and appoint fairs, marts and markets, as also such and so many ports, harbours, bays, havens and other places for the conveniency and security of shipping, and for the better loading and unloading of ships and merchandizes, in such and so many places as by and with the advice and consent of Our said Council shall be thought fit and necessary.

Markets and ports

And We do hereby require and command all officers and ministers, civil and military, and all others the inhabitants of Our said Island and its Dependencies, to be obedient, aiding and assisting unto you the said Sir Thomas John Cochrane in the execution of this Our Commission, and of the powers and authorities herein contained; and in case of your death or absence out of Our said Island and its Dependencies and Government, to be obedient, aiding and assisting as aforesaid unto such person as shall be appointed by

All persons to assist and obey the Governor.

The Lieutenant-
Governor

Us to be Our Lieutenant-Governor, or to the Commander-in-Chief for the time being of Our said Island and its Dependencies, to whom We do therefore, by these Presents, give and grant all and singular the powers and authorities herein granted, to be by him executed and enjoyed during Our pleasure, or until your arrival within Our said Island and its Dependencies; and if upon your death or absence out of Our said Island and its Dependencies there be no person on the place commissioned or appointed by Us to be Our Lieutenant-Governor, or specially appointed by Us to administer the government within Our said Island and its Dependencies, Our will and pleasure is, that the Councillor whose name is first placed in Our Instructions to you, unless it shall therein be otherwise directed, and who shall be at the time of your death or absence residing within Our said Island and its Dependencies, shall take upon him the administration of the government, and execute Our said Commission and Instructions, and the several powers and authorities therein contained, in the same manner to all intents and purposes as other Our Governor or Commander-in-Chief should or ought to do, in case of your absence, or until your return, or in all cases until Our further pleasure be known thereon; and We do hereby declare, ordain and appoint that you, the said Sir Thomas John Cochrane, shall and may hold, execute and enjoy, the office and place of Our Governor and Commander-in-Chief in and over the Island and Territories aforesaid, together with all and singular the powers and authorities hereby granted unto you, for and during Our will and pleasure.

In witness, &c.,

Dated 2nd March 1832.

(countersigned) BATHURST.

INSTRUCTIONS

To Our trusty and well-beloved Sir Thomas John Cochran, Knight, Our Governor and Commander-in-Chief of Our Island of Newfoundland, or in his absence to the Lieutenant-governor or Officer administering the Government of Our said Island for the time being. Given at Our Court at St. James's, the 26th day of July, 1832, in the third year of Our reign.

1. With these Our instructions you will receive Our Commission under Our Great Seal of the United Kingdom of Great Britain and Ireland constituting you Our Governor and Commander-in-Chief in and over Our said Island of Newfoundland and its Dependencies. You are therefore with all convenient speed to assume and enter upon the execution of the trust We have reposed in you. And you are forthwith to call together the following persons, whom We do hereby appoint to be members of Our Council in Our said Island, any three of whom to be a quorum: viz. The Chief Justice for the time being of Our said Island; the Chief Officer in command of Our land forces for the time being in Our said Island next after Our Governor thereof for the time being; the Attorney-general for the time being of Our said Island; the Collector or other Chief Officer of Customs for the time being of Our said Island; the Colonial Secretary for the time being of Our said Island, and William Haly, Esquire.

The Council.

2. And you are with all due and usual solemnity to cause Our said Commission, constituting you Our Governor and Commander-in-Chief as aforesaid, to be read and published at the first meeting of Our said Council, and shall then take, and also administer to each of the members thereof, the several oaths therein required.

Commission to be read and oaths taken.

3. You shall administer or cause to be administered the several oaths mentioned in Our said Commission to all judges, justices, and other persons who hold any place of trust or profit in Our said Island, without the doing of which you are

Oaths of judges and public officers.

not to admit any person whatsoever into any public office, nor suffer those who may have already been admitted to continue therein.

Instructions to be communicated to Council.

4. You are to communicate forthwith such of these Our instructions to Our said Council, wherein their advice and consent are mentioned to be requisite, and likewise all such others from time to time as you shall find convenient for Our service to be imparted to them.

Council to have freedom of debate and vote.

5. You are to permit the members of Our said Council to have and enjoy freedom of debate, and vote in all affairs of public concern that may be submitted to their consideration in Council.

Nomination of persons for vacancies in Council.

6. And that we may be always informed of the names and characters of persons fit to supply the vacancies in Our said Council, you are from time to time, whenever any vacancy shall happen therein, forthwith to transmit unto Us, through one of Our Principal Secretaries of State, the names of three persons, inhabitants of the said Island, whom you shall esteem the best qualified for the trust.

Return of names, &c., of Councillors appointed by the Governor.

7. And whereas by Our Commission you are empowered in case of the death or absence of any of the members of Our said Council to fill up the vacancies therein to the number of three, and no more, you are therefore from time to time to send to Us, through one of Our Principal Secretaries of State, the names and qualifications of any members by you put into Our said Council by the first opportunity after so doing.

Fit persons to be chosen.

8. And in the choice and nomination of the members of Our said Council, as also of the judges, justices, and other officers, you are always to take care that they be men of good life, well affected to Our government, of good estates, and abilities suitable to their employments.

Increase or diminution of numbers of Council; suspension of members

9. You are neither to augment nor diminish the number of the members of Our said Council as already established, nor to suspend any of them without good and sufficient cause, nor without the consent of the majority of the said Council, signified in Council after due examination of the charge against such Councillor, and his answer thereunto;

and in case of the suspension of any of them you are to cause your reasons for so doing, together with the charges and proofs against such Councillor, and his answer thereunto, to be duly entered upon the Council-book, and forthwith to transmit copies to Us, through one of Our Principal Secretaries of State. Nevertheless, if it should happen that you should have reasons for suspending any of the members of Our said Council, not fit to be communicated to Our said Council, you may in that case suspend such member without their consent. But you are thereupon immediately to send to Us, through one of Our Principal Secretaries of State, an account of your proceedings therein, together with your reasons for not communicating the same to Our Council.

10. And whereas effectual care ought to be taken to oblige the members of Our said Council to a due attendance therein, and thereby to prevent the inconveniences that may happen from the want of a quorum to transact business as occasion may require, it is Our will and pleasure that if any themselves from the said Island, and continue absent above themselves from the said island, and continue absent above the space of six months together without leave from you or Our Commander-in-Chief for the time being first obtained under your or his hand or seal, or shall remain absent for the space of two years successively without leave given them under Our Royal Sign Manual and Signet, their place or places in the said Council shall immediately thereupon become void; and that if any of the members of Our said Council then residing within Our said Island shall hereafter absent themselves when duly summoned without a sufficient cause, and shall persist in such absence after being thereof admonished by you, you suspend the said Councillors so absenting themselves till Our further will and pleasure therein be known, giving immediate notice thereof to Us, through one of Our Principal Secretaries of State: And we do hereby will and require that Our royal pleasure be signified to the members of Our said Council and entered in the Council-book as a standing rule.

Absence of Councillors may be ground for suspension.

11. And whereas by Our aforesaid Commission you are authorized and empowered to summon and call General Assemblies of the freeholders and householders within Our said Island, in such manner and form, and according to such powers, instructions and authorities as are granted or appointed by these Our instructions in that behalf, you are therefore,

Governor may proclaim Districts and appoint Returning Officers.

for the purpose of electing the members of such Assemblies, hereby authorized to issue a proclamation dividing Our said Island in districts or counties, towns or townships, and appointing the limits thereof, and declaring and appointing the number of representatives to be chosen by each of such districts or counties, towns or townships respectively, and from time to time to nominate and appoint proper persons to execute the office of returning officer in each of the said districts or counties, towns or townships; and you are, so soon as you shall see expedient, to issue writs in Our name, directed to the proper officers in each district or county, town or township, directing them to summon the freeholders and householders thereof to proceed to the election of persons to represent them in the General Assembly according to the regulations and directions to be signified in the proclamation to be issued by you as aforesaid.

Style of enacting laws.

12. You are to observe in the passing of all laws, that the style of enacting the same be by the Governor, Council, and Assembly.

Laws affecting the constitution of the Legislature.

13. And We do hereby require and command that you do not, on any pretence whatever, give your assent to any law or laws to be passed by which the number of the Assembly shall be enlarged or diminished, the duration ascertained, the qualifications of the electors or the elected fixed or altered, or by which any regulations shall be established with respect thereto, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, the draft of such Bill or Bills, and shall have received Our royal pleasure thereupon, unless you take care in the passing such Bill or Bills that a clause or clauses be inserted therein suspending and deferring the execution thereof until Our will and pleasure shall be known thereupon.

Re-enactment of Statutes formerly vetoed.

14. And you shall not re-enact any law to which the assent of Us or Our royal predecessors has once been refused, without express leave for that purpose first obtained from Us, upon a full representation by you, to be made to Us, through one of Our Principal Secretaries of State, of the reason and necessity for re-enacting such law.

Duration of certain laws.

15. And it is Our express will and pleasure, that no law for constituting any court or courts of judicature, or for

establishing the militia, shall be a temporary law; and that no law for granting unto Us any sum or sums of money by duties of impost, tonnage, or excise, be made to continue for less than one whole year; as also that no other laws whatsoever be made to continue for less than two years, except only in cases where it may be necessary for some unforeseen emergency to make provision by law for a service in its nature temporary and contingent.

16. You are also, as much as possible, to observe in the passing of all laws, that each different matter be provided for by a different law, without intermixing in one and the same Act such things as have no proper relation to each other; and you are more especially to take care that no clause or clauses be inserted in, or annexed to, any Act which shall be foreign to what the title of such respective Act imports; and that no perpetual clause be part of any temporary law; and that no Act whatever be suspended, altered, continued, revived, or repealed by general words, but that the title and date of such Act so suspended, altered, continued, revived, or repealed, be particularly mentioned and expressed in the enacting part.

General provisions as to laws.

17. And you are particularly enjoined not to pass any law, or do any act, by grant, deed, conveyance, or otherwise, whereby Our revenue may be lessened or impaired without Our special leave or command thereon.

Laws affecting the Revenue.

18. It is Our will and pleasure that you do not give your assent to any Bill or Bills for raising money by the institution of any public or private lotteries whatsoever until you shall have first transmitted unto Us, through one of our Principal Secretaries of State, a draft or drafts of such Bill or Bills, and shall have received our directions thereupon.

Laws as to Lotteries.

19. It is Our will and pleasure that you do not, on any pretence whatever, give your assent to, or pass any Bill or Bills in Our Island under your government, by which the lands, tenements, goods, chattels, rights and credits of persons who have never resided within Our said Island, shall be liable to be seized or taken in execution for the recovery of debts due from such persons, otherwise than is allowed by law in cases of a like nature within Our realm of England, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, the draft of such Bill or Bills, and shall have received Our royal pleasure thereupon,

Laws dealing with the goods of non-resident persons.

unless you take care, in the passing of such Bill or Bills, that a clause or clauses be inserted therein, suspending and deferring the execution thereof until Our royal will and pleasure shall be known thereupon.

Laws dealing with
aliens and with
divorce.

20. It is Our further will and pleasure that you do not, upon any pretence whatsoever, give your assent to any Bill or Bills that may have been or shall hereafter be passed by the Council and Assembly of the Island under your government for the naturalization of aliens, nor for the divorce of persons joined together in holy matrimony, nor for establishing a title in any person to lands, tenements and real estates in Our said Island, originally granted to or purchased by aliens antecedent to naturalization.

Operation of ex-
traordinary or un-
usual bills to be
deferred until sig-
nification of His
Majesty's plea-
sure

21. Whereas great mischiefs have arisen by the frequent passing of Bills of an unusual and extraordinary nature and importance in the plantations, which Bills remain in force there, from the time of enacting, until Our pleasure be signified to the contrary, We do hereby will and require you not to pass or give your assent to any Bill or Bills passed in the Assembly of an unusual and extraordinary nature and importance, whereby Our prerogative or the property of Our subjects may be prejudiced, nor to any Bill or Bills whereby the trade or shipping of this kingdom shall be in anywise affected, until you shall have first transmitted unto Us, through one of Our Principal Secretaries of State, a draft of such Bill or Bills, and shall have received Our royal pleasure thereupon, unless you take care in the passing any such Bills as aforementioned that there be a clause inserted therein, suspending and deferring the execution thereof until Our pleasure shall be known concerning the same.

Private Acts.

22. You are also to take care that no private Act be passed, whereby the property of any private person may be affected, in which there is not a saving of the right of Us, Our heirs and successors, all bodies politic and corporate, and of all other, except such as are mentioned in the said Act, and those claiming by, from, and under them; and further, you shall take care that no such private Act be passed without a clause suspending the execution thereof until the same shall have received Our royal approbation. It is likewise Our will and pleasure that you do not give your assent to any private Act until proof be made before you in Council, and

entered in the Council-book, that public notification was made of the parties' intention to apply for such an Act in the several parish churches where the premises in question lie, for three Sundays at least successively, before any such Act shall be brought into the Assembly, and that a certificate, under your hand, be transmitted with, and annexed to every such private Act, signifying that the same has passed through all the forms above mentioned.

23. You are to take care that in all Acts or Orders to be passed within Our said Island, in any case for levying money or imposing fines and penalties, express mention be made that the same is granted or reserved to Us, Our heirs and successors, for the public uses of the said Island, and the support of the government thereof, as by the said Act or Order shall be directed.

Moneys or fines
raise to be reserved
for the public use.

24. You are not to suffer any public money whatsoever, whether it be appropriated to any particular service or not by the Act granting the same, to be issued or disposed of otherwise than by warrant under your hand, by and with the consent of the said Council. But the Assembly may nevertheless be permitted from time to time to view and examine the accounts of money or value of money disposed of by virtue of laws made by them, as there shall be occasion.

Public money to
be expended only
under Governor's
Warrant.

25. You are not to permit any clause whatsoever to be inserted in any law for levying of money, or the value of money, whereby the same shall not be made liable to be accounted for unto Us, here in this Kingdom, and to Our Commissioners of Our Treasury, or Our High Treasurer for the time being; and we do particularly require and enjoin you, upon pain of Our highest displeasure, to take care that fair books of accounts of all receipts and payments of all such money be duly kept, and copies thereof be transmitted to Our Commissioners of Our Treasury, or to Our High Treasurer for the time being, and in which books shall be specified every particular sum raised or disposed of, together with the names of the persons to whom any payment shall be made, to the end We may be satisfied of the right and due application of the revenue of Our said Island, with the probability of the increase and diminution of it, under every head and article thereof.

All moneys to be
accounted for to
the Treasury in
England,

Conformity to certain Acts relating to legal tender.

26. It is Our will and pleasure that you do in all things conform yourself to the provisions contained in an Act of Parliament passed in the fourth year of the reign of his late Majesty King George the Third, intituled, "An Act to prevent Paper Bills of Credit hereafter to be issued in any of His Majesty's Colonies or Plantations in America from being declared to be a legal tender in payment of money, and to prevent the legal tender of such Bills as are now subsisting from being prolonged beyond the periods limited for recalling in and sinking the same;" and also of an Act passed in the thirteenth year of the reign of his late Majesty to explain and amend the above-recited Act passed in the fourth year of his reign as aforesaid; and you are not to give your assent to, or pass any Act whereby bills of credit may be struck or issued in lieu of money, or for payment of money, either to you, Our Governor, or to any person whatsoever, unless a clause be inserted in such Act, declaring that the same shall not take effect until the said Act shall have been approved and confirmed by Us, Our heirs or successors.

Transmission of copies of laws.

27. You are to transmit an authenticated and separate copy of every Law, Statute or Ordinance that at any time hereafter shall be made or enacted within the Island under your Government, under the Public Seal, unto Us, through one of Our Principal Secretaries of State, within three months, or sooner, after their being enacted, upon pain of Our highest displeasure, and of the forfeiture of that year's salary wherein you shall omit to send over the said Laws, Statutes and Ordinances as aforesaid, within the time above-mentioned, as also of such other penalty as We shall please to inflict: but if it shall happen that no shipping shall come from Our said Island within three months after the making such Laws, Statutes and Ordinances, the same are to be transmitted by the next conveyance after the making thereof, whenever it may happen, for Our approbation or disallowance of the same.

Manner of such transmission.

28. And it is Our further will and pleasure that the copies and duplicates of all Acts that shall be transmitted as aforesaid be fairly abstracted in the margents, and there be inserted the several dates or respective times when the same passed the Council and Assembly, and received your assent; and you are to be as particular as may be in your observations, to be sent to us through one of Our Principal Secretaries of

State, upon every Act; that is to say, whether the same is introductive of a new law, declaratory of a former law, or does repeal a law then before in being, and you are likewise to send to Us, through one of Our Principal Secretaries of State, the reasons for the passing of such laws, unless the same do fully appear in the preambles of the said Acts.

29. You are to require the Secretary of the Island under your government, or his deputy for the time being, to furnish you with transcripts of all such Acts and Public Orders as shall be made from time to time, together with copies of the journals of the Council, and that all such copies be fairly abstracted in the margents, to the end the same may be transmitted to Us, through one of Our Principal Secretaries of State, which he is duly to perform upon pain of incurring the forfeiture of his office.

The Secretary of the Island to furnish copies of laws.

30. You are also to require from the clerk of the Assembly of the said Island, or other proper officer, transcripts of all the journals and other proceedings of the said Assembly, and that all such transcripts be fairly abstracted in the margents, to the end the same may in like manner be transmitted as aforesaid.

Copies of Journals of the Assembly and transmission thereof.

31. You shall not appoint any person to be a Judge or Justice of the Peace without the advice and consent of the majority of the Council or Our said Island, signified in Council. And it is Our further will and pleasure that all commissions to be granted by you to any person or persons to be Judges, Justices of the Peace, or other necessary officers, be granted during pleasure only.

Appointment of Judges and Justices.

32. You shall not suspend any of the Judges, Justices, or other officers or ministers, without good and sufficient cause, which you shall signify in the fullest and most distinct manner to us, through one of Our Principal Secretaries of State.

Suspension of Judges and Justices.

33. It being of the greatest importance to Our service, and to the welfare of Our subjects, that justice be everywhere speedily and duly administered, and that all disorders, delays, and other undue practices in the administration thereof, be effectually prevented, We do particularly require you to take especial care that in all courts where you

Courts to be kept impartial and efficient. New courts not to be established nor any abolished

are authorized to preside justice be impartially administered; and that in all other courts established within Our said Island, all Judges and other persons therein concerned do likewise perform their several duties without any delay or partiality. You shall not erect any court or office of judicature not before erected or established, nor dissolve any court or office already erected or established, without Our especial order.

Qualification of
Jurors.

34. You are, for the better administration of justice, to endeavour to get a law passed in our said Island, wherein shall be set the value of men's estates, either in goods or lands, under which they shall not be capable of serving as jurors.

Writs to be issued
in King's name.

35. You are to take care that all writs be issued in Our name throughout Our said Island under your government.

Supreme Court.

36. Whereas, in pursuance of an Act passed in the 5th year of the reign of his late Majesty, King George the Fourth, intituled, "An Act for the better Administration of Justice in Newfoundland, and for other purposes," by Our Charter or Letters Patent, issued under the Great Seal of the United Kingdom of Great Britain and Ireland, a supreme court of jurisdiction, called the "Supreme Court of Newfoundland," was erected and established in Our said Island, with certain powers and authorities, and under certain regulations therein specified, you are hereby required to take care that the same be duly complied with, and put in execution.

Salaries and fees
to be reasonable.

37. You are, with the advice and consent of Our Council, to take especial care to regulate all salaries and fees belonging to places, or paid upon emergencies, that they be within the bounds of moderation, and that no extortion be made on any occasion whatsoever, as also that tables of all fees be publicly hung up in all places where such fees are to be paid; and you are to transmit copies of all such tables of fees to Us, through one of Our Principal Secretaries of State.

Certain appoint-
ments not to be
made without the
direction of the
Crown.

38. You shall not by colour of any power or authority, hereby or otherwise granted or mentioned to be granted to you, take upon you to give, grant, or dispose of any office or place within Our said Island, which now is or shall be grant-

ed under the Great Seal of this kingdom, or to which any person is or shall be appointed by warrant under Our Sign Manual and Signet, any further than you may, upon the vacancy of any such office or place, or upon the suspension of any such officer by you, put in any fit person to officiate in the interim till you shall have represented the matter to Us through one of Our Principal Secretaries of State, which you are to do by the first opportunity, and have received our further directions therein.

39. You are to transmit unto Us, through one of Our Principal Secretaries of State, with all convenient speed, a particular account of all establishments of jurisdictions, courts, offices and officers, powers, authorities, fees, and privileges, granted and settled, or which shall be granted and settled within our said Island, as likewise an account of all the expenses attending the establishments of the said courts, and of such funds as are settled and appropriated to discharge the same.

An account of courts, offices, fees, etc., to be transmitted.

40. It is Our express will and pleasure that you be at all times aiding and assisting unto the officers appointed for the managing, levying, collecting and receiving public revenues, and such duties and revenues as are or shall hereafter be laid and imposed within your government, and the seizures, forfeitures and arrears which shall accrue and grow due by reason thereof.

Collection of revenues.

41. And whereas complaints have been made by the officers of Our Customs in Our plantations in America that they have been frequently obliged to serve on juries, and personally to appear in arms whensoever the militia is drawn out, and thereby are much hindered in the execution of their employments, Our will and pleasure is that you take effectual care, and give the necessary directions that the several officers of Our Customs be excused and exempted from serving on any juries, or personally appearing in arms in the militia, unless in case of absolute necessity, or serving any parochial offices which may hinder them in the execution of their duties.

Customs officers to be exempted from juries, militia duty, etc.

42. And in case of vacancy of the Collector, or any of Our officers of the Customs by death, removal, or otherwise, and in order that there may be no delay given on occasion of

Temporary appointments to offices in the Customs.

such vacancy to the masters of ships or merchants in their despatch, you are hereby empowered, subject to such instructions as you shall receive from Our Commissioners of Our Treasury, or Our High Treasurer, or from the Commissioners of Our Customs for the time being in this behalf, to appoint other persons duly qualified to execute such offices, until further directions shall be received from Our Commissioners of Our Treasury, or Our High Treasurer, to whom you are to give notice of such appointments by the first opportunity, taking care that you do not, under pretence of this instruction, interfere with the powers and authorities given to Our said Collector by Our Commissioners of Our Treasury, or Our High Treasurer, or by the Commissioners of Our Customs.

Remission of fines
and forfeitures.

43. You shall not remit any fines or forfeitures whatever above the sum of £50, nor dispose of any forfeitures whatsoever until upon signifying unto Our Commissioners of Our Treasury, or Our High Treasurer for the time being, the nature of the offence and the occasion of such fines and forfeitures, with the particular sums or value thereof (which you are to do with all speed), you shall have received Our directions therein, but you may in the mean time suspend the payment of the said fines and forfeitures.

Disposal of forfeitures or escheats.

44. It is Our will and pleasure that you do not dispose of forfeitures or escheats to any persons until the Provost Marshal or other proper officer have made inquiries by a jury upon their oaths into the true value thereof, nor until you shall have transmitted to Our Commissioners of Our Treasury, or to Our High Treasurer for the time being, a particular account of such forfeitures and escheats and the value thereof, and shall have received Our directions thereupon, and you are to take care that the produce of the said forfeitures and escheats, in case We shall think proper to give you direction to dispose of the same, be duly paid to the receiver of Our casual revenue; and that a full account thereof be transmitted to Our Commissioners of Our Treasury, or to Our High Treasurer for the time being, with the names of the persons to whom disposed of.

The Governor to
be Vice Admiral.

45. Whereas you will receive from Our Commissioners for executing the office of High Admiral a commission con-

stituting you Vice Admiral of Our said Island, you are hereby required and directed carefully to put in execution the several powers thereby granted to you.

46. And whereas commissions have been granted in our colonies and plantations for trying pirates in those parts, pursuant to the Acts for the more effectual suppression of piracy, Our will and pleasure is, that in all matters relating to pirates you govern yourself according to the intent of the Acts before mentioned, and any commission you may receive in reference thereto.

Trial, etc., of
pirates.

47. And whereas there have been great irregularities in the manner of granting commissions to private ships of war, you are to govern yourself whenever there shall be occasion according to the commission and instructions granted in this Kingdom: but you are not to grant commissions of marque or reprisal against any prince or state or their subjects in amity with Us to any person whatsoever without Our special command.

Letters of marque
or reprisal.

48. Whereas We have thought it necessary for Our service to constitute and appoint a Receiver-general of Our rights and perquisites of the Admiralty, it is therefore Our will and pleasure that you be aiding and assisting to the said Receiver-general, his deputy or deputies, in the execution of the said office of Receiver-general; and We do hereby enjoin and require you to make up your accounts with him, his deputy or deputies, of all such rights of Admiralty (effects of pirates included) as you or your officers have received, or shall or may receive for the future, and to pay over to the said Receiver-general, his deputy or deputies, for Our use, all such sum or sums or money as shall appear upon the foot of such accounts, to be and remain in your hands, or in the hands of any of your officers: And whereas Our said Receiver-general is directed, in case the parties chargeable with any part of such Our revenue refuse, neglect, or delay payment thereof, by himself, or sufficient deputy, to apply in Our name to Our Governors, Judges, Attorney-general or any other Our officers or magistrates, to be aiding or assisting to him in recovering the same, it is therefore Our will and pleasure that you, Our Governor, Our Judges, Our Attorney-general, and all other officers whom it may concern, do use all lawful authority for the recovering and levying thereof.

Receiver General
in Admiralty.

The Governor to
assist the Bishop
of Nova Scotia.

49. And whereas by Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 10th day of May, 1825, the Island of Newfoundland was constituted to be part of the See of the Bishop of Nova Scotia, and the said bishop was thereby duly authorized to exercise jurisdiction, spiritual and ecclesiastical, in the said colonies, it is Our will and pleasure that in the administration of the government of our Island you should be aiding and assisting to the said bishop, and to his commissary or commissaries, in the execution of their charge, and the exercise of such ecclesiastical jurisdiction, excepting only the granting licences for marriages and probates of wills.

The maintenance
of religion.

50. We do enjoin and require that you do take especial care that Almighty God be devoutly and truly served throughout your government, the Book of Common Prayer, as by law established, read each Sunday and holiday, and the Blessed Sacrament administered according to the rites of the Church of England. You shall be careful that all orthodox churches already built there be well and orderly kept, and that more be built, as Our Island shall, by God's blessing, be improved. And that besides a competent maintenance to be assigned to the minister of each orthodox church, a convenient house be built at the common charge for each minister, and a competent portion of land for a glebe be allotted to him. And you are to take care that the parishes be so limited and settled as you shall find most convenient for the accomplishing this good work, and in all matters relating to the celebration of Divine Worship, the erection and repair of churches, the maintenance of ministers, and the settlement of parishes throughout your government, you are to advise with the Right Reverend Father in God the Bishop of Nova Scotia for the time being.

Presentations to
benefices.

51. Upon the vacancy of any ecclesiastical benefice in Our said Island, you will present to the said Bishop of Nova Scotia for the time being, for institution to such vacant benefice, any clerk in holy orders of the United Church of England and Ireland, who shall have been actually resident within the said diocese, and officiating there as a clerk in holy orders, for six calendar months at the least next before such benefice shall have become vacant, whom the said bishop may

certify to you to be a fit and proper person to fill such vacancy, and to be a person of good life and conversation, and conformable to the doctrine and discipline of the said United Church. But if at the time of any such vacancy occurring there shall not be resident within the said diocese any clerk in holy orders of the said United Church who shall have been resident and officiating therein as aforesaid, in whose favour the said bishop shall think proper so to certify to you, or if no such certificate shall be received by you from the said bishop within three calendar months next after such vacancy shall occur, then and in either of such cases you shall forthwith report the circumstances to Us, through one of Our Principal Secretaries of State, to the intent that We may nominate some fit and proper person, being a clerk in holy orders as aforesaid, to fill the said vacancy. And We do enjoin and command you to present to the said bishop for institution to any such vacant ecclesiastical benefice, any clerk who may be so nominated by Us, through one of Our Principal Secretaries of State.

52. You are to inquire whether there be any minister within your government who preaches and administers the Sacrament in any orthodox church or chapel, without being in due orders, and to give an account thereof to the said Bishop of Nova Scotia.

Unordained ministers to be discovered.

53. And whereas doubts have arisen whether the powers of granting licenses for marriages and probates of wills, commonly called the Office of Ordinary, which We have reserved to you, Our Governor, can be exercised by deputation from you to any other person within Our said Island under your government, it is Our express will and pleasure, and you are hereby directed and required not to grant deputations for the exercise of the said powers, commonly called the Office of Ordinary, to any person or persons whatsoever in Our said Island under your government.

Delegation of the office of Ordinary.

54. And you are to take especial care that a table of marriages established by the canons of the Church of England be hung up in every orthodox church and duly observed.

Observance of the table of marriages

55. The Right Reverend Father in God, Edmund, then Lord Bishop of London, having presented a petition to his Majesty King George the First, humbly beseeching him to

Prevention and discouragement of vice.

send instructions to the governors of all the several colonies and plantations in America, that they cause all laws already made against blasphemy, profaneness, adultery, fornication, polygamy, incest, profanation of the Lord's-day, swearing and drunkenness in their respective governments to be rigorously executed, and We, thinking it highly just that all persons who shall offend in any of the particulars aforesaid should be prosecuted and punished for their said offences, it is therefore Our will and pleasure that you take due care for the punishment of the afore-mentioned vices, and that you earnestly recommend that effectual laws be passed for the restraint and punishment of all such of the afore-mentioned vices against which no laws are as yet provided. And also you are to use your endeavours to render the laws in being more effectual, by providing for the punishment of the afore-mentioned vices, by presentment upon oath to be made to the temporal courts by the church-wardens of the several parishes, at proper times of the year to be appointed for that purpose; and for the further discouragement of vice and encouragement of virtue and good living, you are not to admit any persons to public trusts or employments in the Island under your government whose ill fame and conversation may occasion scandal.

Recommendation
of laws relating to
education and re-
ligion.

56. It is Our further will and pleasure that you recommend to the Legislature to enter upon proper methods for the erecting and maintaining schools in order to the training up of youth to reading, and to a necessary knowledge of the principles of religion. You are not, however, to give your consent to any Act respecting religion without a clause suspending its operation until Our pleasure shall have been signified thereupon, unless a draft thereof shall have been previously transmitted by you for Our consideration and approval.

Counsel to be tak-
en with the Bishop
in certain matters

57. And We do further direct that in all matters arising within your government connected with the education of youth in the principle of the Christian religion according to the doctrine of the said United Church of England, or connected with the prevention of vice and profaneness, or the conversion of negroes and other slaves, or connected with the worship of Almighty God, or the promotion of religion and virtue, you be advising with the Bishop for the time being of

the said diocese of Nova Scotia, and be aiding him in the execution of all such designs and undertakings as may be recommended by the said Bishop for the promotion of any of the objects before mentioned, so far as such designs and undertakings may be consistent with the law and with your said commission, and these Our instructions.

58. You are to transmit to Us, through one of Our Principal Secretaries of State, regular monthly returns of the militia of Our said Island whenever and so long as the same shall be embodied, with a particular state of their arms and accoutrements; and for the due preservation and security of which you are to establish such regulations as you shall judge to be most effectual for that purpose.

Returns of the Militia to be transmitted.

59. You shall not upon any occasion whatsoever establish or put in execution any articles of war, or other law martial, upon any of Our subjects, inhabitants of Our said Island, without the advice and consent of Our Council.

Articles of war not to be put into execution without consent of Council

60. And in case of any distress of any other of Our plantations, you shall, upon application of the respective Governors thereof unto you, assist them with what aid the condition and safety of Our Island under your government can spare.

Other plantations to be assisted in case of need.

61. You shall, from time to time, give unto Us, through one of Our Principal Secretaries of State, an account of the wants and defects of the Island under your government, what are the chief products thereof, what improvements have been lately made, and what further improvements you conceive may be made, or advantages gained by trade, and in what way We may contribute thereunto.

Account of the state of the island to be furnished.

62. If any thing shall happen which may be of advantage or security to Our Island under your government, which is not herein or by Our Commission provided for, We do hereby allow you, with the advice and consent of Our Council, to take orders for the present therein, giving unto us, through one of Our Principal Secretaries of State, speedy notice thereof, that so you may receive Our ratification, if We shall approve the same: Provided always, that you do not, under colour of any power or authority hereby given to you, commence or declare war without Our knowledge and particular commands therein first obtained leave for so doing

Matters unprovided for herein.

from Us, under Our Sign-Manual and Signet, or by Our Order in Our Privy Council.

Execution of the
Governor's office
in case of his death
or absence.

63. And whereas we have thought fit, by Our Commission, to direct that in case of your death or absence, and there be at that time no person within Our said Island commissioned or appointed by Us to be Lieutenant-governor, or specially appointed by Us to administer the government within our said Island, that the Councillor whose name is first placed in Our instructions to you, (unless it shall therein be otherwise signified), and who shall be, at the time of your absence, residing within Our said Island, and who shall take the oaths appointed to be taken by you or the Commander-in-Chief of Our said Island, shall take upon him the administration of the government, and execute Our said Commission and instructions and the several powers and authorities therein contained, in the manner therein directed. It is, nevertheless, Our express will and pleasure that in such case the Councillor so administering the government shall forbear to pass any Act or Acts but what are immediately necessary for the peace and welfare of the said Island, without Our particular order for that purpose; and that he shall not take upon him to dissolve the Assembly then in being, or to remove or suspend any of the members of Our Council, nor any judges, justices of the peace, or other officer, civil or military, without the advice and consent of at least seven of the Council, nor even then without good and sufficient reason for the same, which the said President is to transmit, signed by himself and the respective Council, to Us, through one of Our Principal Secretaries of State.

Salary of Lieutenant Governor or President of Council when administering the Government.

64. And whereas We are willing to provide in the best manner for the support of the government of Our said Island, by setting apart sufficient allowances to such as shall be Our Governor or Commander-in-Chief, residing for the time being within the same, Our will and pleasure is, that when it shall happen that you shall be absent from Our said Island, one full moiety of the salary, and of all perquisites and emoluments whatsoever, which would otherwise become due unto you, shall, during the time of your absence, be paid and satisfied unto such Lieutenant-governor or President of the Council for the time being, which we do hereby order and allot unto him for his maintenance, and for the better support of the dignity of our government.

INSTRUCTIONS.

XXXI.

65. And you are upon all occasions to send to Us, Information to be sent to the Crown. through one of Our Principal Secretaries of State, a particular account of all your proceedings, and of the conditions of affairs within your government.

ROYAL INSTRUCTIONS

To the Governor of Newfoundland.

[DATED 27TH JULY 1832.]

Downing Street, 27th July, 1832.

SIR,—

I have the honour herewith to transmit to you His Majesty's Commission under the Great Seal, appointing you Governor of the Island of Newfoundland, together with your General Instructions under the Royal Sign Manual, referred to in that Commission.

As this is the first occasion on which provision has been made for convening a Legislative Assembly for the Island of Newfoundland, the importance of that measure requires that I should not limit myself to the merely formal duty of placing you in possession of these instruments, but that I should shortly explain the grounds and the nature of the policy by which His Majesty's Councils on this subject have been directed.

It were superfluous at the present day to inquire into the wisdom of that system which was pursued for so many years towards the ancient colony under your government, the fundamental principle of which was to prevent the colonization of the island, and to render this kingdom the domicile of all persons engaged in the Newfoundland fisheries. The common interest or convenience of those persons virtually defeated the restrictions of the various statutes respecting them, long before Parliament admitted the necessity of repealing those laws. A colony gradually settled itself along the shores of the island, and has of late years assumed a rank of no inconsiderable importance amongst the foreign possessions of the British Crown; but notwithstanding the growing population and the wealth of Newfoundland, no plan has hitherto been adopted for regulating such of the internal affairs of the colonists as demanded the enactment of laws specially adapted to their peculiar situation. Parliament, indeed, contemplated the erection of corporate towns, with the power of making bye-laws, for remedying this inconvenience; but on attempting to carry this design into effect, unforeseen obstacles were encountered. It was found altogether impracticable to reconcile the contradictory wishes

and recommendations of the parties who would have been more immediately affected by the measure; and it became evident that the boon which it was proposed to confer would be received by a great body of the inhabitants, not as an act of grace, but as an infringement of their rights, into whatever form the intended charters might have been thrown. The consequence was, that His Majesty became practically unable to execute the trust which Parliament had confided to him.

The necessity of some provision for regulating the internal concerns of Newfoundland by enactments adapted to the peculiarities of their local position became however daily more and more evident. Carrying with them from this kingdom the law of England, as the only code by which the rights and duties of the people in their relations to each other, and in their relation to the State, could be ascertained, it was obvious, as soon as the colony began to assume a settled form, that the adaptation of that code to the various exigencies of the local society was a task demanding the exercise of much reflection and caution; that many of its provisions were entirely inapplicable to the wants of a population so peculiarly situated; and that many more could be applied only by a distant and uncertain approach to the original standard. Hence it occurred that, in the administration of the law, the judges virtually assumed to themselves functions rather legislative than judicial; and undertook to determine not so much what the law actually was, as what, in the condition of Newfoundland, it ought to be. For this assumption of power no censure attaches to those learned persons; without any positive rule of decision, nothing remained for them but to engage in such an inquiry; yet the practical inconvenience was not the less urgent, nor the anomaly the less glaring.

It was not, however, merely in the absence of rules, which this latitude of judicial interpretation might supply, that the public detriment was sustained. There were still wanting other regulations, which no judge could either invent or enforce. Especially in whatever related to police and internal improvements, demanding the co-operation of different persons, nothing could be carried into effect, which any individual found an adequate reason for opposing, or which he opposed from mere caprice. I find that in a matter so trifling in appearance, and yet affecting the comforts of so many, as the prevention of domestic animals wandering at large through the country, an earnest application was made to His Majesty's Government to obtain an Act of Parliament for the redress of the grievance endured by the colonists. Although it was thought improper to encumber the British statute-book with such provisions, yet it was fully admitted that they could be supplied by no other authority;

and the application itself forcibly illustrated the inconvenience of so remote a society being destitute of any local Legislature.

It may seem, however, superfluous to accumulate reasons in proof of the propriety of establishing in Newfoundland that form of constitution which generally prevails throughout the British Transatlantic colonies; the difficulty would consist rather in finding valid arguments for withholding it. The reasonable presumption seems to be, that a system of colonial government which has been attended with so many advantages in British North America, would produce similar benefits at Newfoundland, if transferred to that settlement. I do not indeed mean to deny that some considerable inconvenience has occasionally resulted from the adoption, in those dependencies of Great Britain, of constitutions modelled into a miniature resemblance of our own; but I know not what is the system of which the same might not be truly asserted. It is sufficient to say of the scheme of internal polity in force in Nova Scotia and New Brunswick, that in all the colonies to which it has been extended, it has invariably secured the attachment of the people, by giving them a large share in the management of their own affairs; by affording an open field for the free exercise of talents and public spirit; by providing honourable ambition with a legitimate object and reward; by insuring immediate and careful attention to the various exigencies of society; and by promoting a frugal and judicious administration of public affairs. With the single exception of those colonies in which the people are separated from each other by distinctions analogous to those of caste, representative Assemblies are not only recommended by abstract considerations drawn from the genius and principles of our own Government, but by a long course of experiments pursued under a great variety of circumstances, but still leading to the same general result.

In advising His Majesty to convene an Assembly from among the inhabitants of Newfoundland, I have therefore not yielded myself to the guidance of any improved theory, but have simply extended to another of the colonial possessions of the Crown principles which have been elsewhere brought to the test of repeated and successful experiment. Yet I do not conceal from myself, nor wish to deny, that the duty which you will have to perform will be attended with some difficulty, and that you will have large scope for the exercise of circumspection and industry. In the first execution of such a design, many questions will probably arise which it were impossible to anticipate distinctly. From the novelty of the duties cast upon them, and from their inexperience in civil business of that nature, I can foresee that the returning officers, the voters, and

the members of Assembly, may all in some instances misapprehend the functions which they will have to discharge, or the proper mode of proceeding for the methodical and accurate discharge of them. Cautiously abstaining from the appearance of usurping any undue authority over matters properly falling within the cognizance of the Assembly, you will yet be prompt to afford to all parties whatever counsel or assistance you can render them, to obviate difficulties of this nature. It cannot be made too apparent that the boon which has been granted is seconded by the cordial good will and co-operation of the Executive Government, and that the House of Assembly is regarded, not as a rival power, but as a body destined to co-operate with yourself in advancing the prosperity of the settlement.

For your own guidance it may be right to observe, that colonial assemblies, as they derive their general form from the model of the British House of Commons, so they have drawn their rules and system of procedure from the same source. The distinctions are of course both numerous and important, and grow out of the dissimilarity of the circumstances of the representative bodies of a small colony and of an extensive kingdom; but in general the analogy is maintained, and therefore the laws and rules of Parliament, as modified by the exigencies of the case, may be taken as the safest guide for the conduct of the Council and Assembly, and for your own proceedings towards them.

As soon as conveniently may be after your arrival in Newfoundland, you will convene the Council, according to your general instructions, and arrange with them the whole course of proceedings to be adopted for giving effect to so much of those instructions as relate to the convoking the Assembly. Especially you will consider the proper forms of the writs to be addressed to the returning officers, the proper places for holding elections, the most convenient times at which they can take place, the necessary arrangements for the reception and accommodation of the legislative body at the town of St. John's, the most convenient method of opening the first session of the General Assembly with appropriate and decorous solemnities; and, above all, the topics to which their attention should in the first instance be directed.

In conformity with the precedents in use on similar occasions, a proclamation has been approved declaratory of the future system of government to be observed in the colony. This proclamation you will cause to be circulated in the most public manner as soon as conveniently may be after your arrival.

It has for the present divided the country into electoral districts, and has determined the number of members who are to be returned for each. These, however, are topics on which it is very probable that the information I have been able to acquire in this kingdom may be erroneous or defective. Any other division of the country which may be more generally convenient, and any other arrangement of the number of representatives for different districts, which the Council and Assembly may deem more advantageous, will be the fit subject of legislative enactment. No change in the constitution of the House, or in the total number of members, can however be effected, except with His Majesty's previous approbation, and in the manner indicated in your general instructions.

In accordance with the uniform course of precedents, your Commission constitutes a Council which will participate with the Assembly in the enactment of laws. It is not, however, to be denied that this part of the established system of colonial legislation has been practically found to be attended with some serious difficulties. The members of Council, deriving their authority from the Royal Commission, have not seldom been regarded with jealousy and distrust by the great body of the people. Their elevation in rank and authority has but too often failed to induce a corresponding degree of public respect. Even the most judicious exercise of their powers has occasionally worn the semblance of harshness when opposed to the unanimous, or the predominant opinions of those to whom the colonists looked with confidence as their representatives. The Councils, it must be confessed, have not uniformly exerted themselves to repel, or to abate, this prejudice. The acrimony engendered by such disputes has sometimes given occasion to an eager assertion of extreme rights on the part of the Council, and a no less determined denial of their necessary and constitutional privileges on the part of the Assembly. The Councils have also been employed as instruments for relieving Governors from the responsibility they ought to have borne for their rejection of measures which have been proposed by the other branch of the Legislature; and have not seldom involved them in dissensions which it would have been more judicious to decline. Some of the principal inhabitants of the colony, as well as the chief officers of the local Government, being usually members of the Council, are removed from the prospect of obtaining seats in the House of Assembly. Even in colonies in which there is a larger society, and a greater number of proper persons to become members of the Legislature than in Newfoundland, considerable inconvenience has been found to result from raising to the rank of councillors the leading members of the Assembly, and thereby losing their services in

that body. The want of any member competent to explain or vindicate the course pursued by the executive authorities has been still more severely felt: measures have not unfrequently been misunderstood, and it has happened that a trifling misconception, which a few words of timely explanation would have removed, has grown into a serious and embarrassing controversy. The effect of the institution, therefore, is too often to induce a collision between the different branches of the Legislature, to exempt the Governor from a due sense of responsibility, and to deprive the representative body of some of its most useful members. Yet the compensation which might atone for these evils is not obtained, and the Council does not assume in the colony a position, or an influence analogous to that of the House of Peers, because entirely destitute of that hold on public opinion which the property and independence of its members, as well as the antiquity of the institution itself, confers upon the peerage of this country.

Adverting to these considerations, and to the legislative history of the British North American and West Indian colonies; I should regard with satisfaction any arrangement which should consolidate the Council and the Assembly into a single House, in which the representatives of the people would be met by the official servants of the Crown. An example of this form of government exists in British Guiana, and is found to possess in practice many of the advantages which it promises in theory, by casting upon the Governor an undivided responsibility as often as he adopts or rejects the proposals of the legislative body, and by securing to them all the information and assistance which can be rendered by members officially conversant with the various subjects brought under their consideration. This, however, is a system which prevailed in Guiana before the conquest of that settlement by Great Britain, and which, I apprehend, His Majesty could not establish by the exercise of his prerogative in Newfoundland. If, however, the Council and Assembly as established by your Commission and instructions should concur in the view which I have taken of this subject, and should be disposed to pass a Bill for uniting the two Houses, with a clause suspending the operation of the law, for the signification of His Majesty's pleasure, you will, on His Majesty's behalf, assent to any such Bill. Should the design be entertained, I think that the Colonial Secretary, the Attorney-general and the chief officer of customs would be the most proper persons to hold seats in the Assembly, by virtue of their official situations: they would be enabled to explain the views of the Executive Government upon the principal points which could be brought under the consideration of the Legislature; and the introduction of so small a number as three gentlemen

nominated by the Crown could not be supposed in any degree to control its deliberations. Upon this point it is only necessary to add, that the bill should be so framed, as, in depriving the Council of its legislative functions, to allow of its continuance as a body to which the Governor might resort for advice during the intervals between the sessions of the Legislature, and upon other occasions when it might be convenient to him to do so; for this purpose, however, a numerous body is not required, and I have therefore at present only recommended to His Majesty one gentleman, not holding any official situation, for a seat in the Council. The gentleman whom I have selected is Colonel Haly, who has been strongly recommended by yourself, and to whom a dormant commission will be granted, authorizing him to assume the government of the colony in the event of your absence, in order that the regular discharge of the duties of the subordinate officers may not be interrupted by their being called upon to assume the temporary administration of the government.

In contemplation of the change which has been effected in the internal government of the colony, it was resolved to apply to Parliament to continue in force the Acts by which the celebration of marriages, the administration of justice, and the conduct of the fisheries are regulated. Bills are now pending for that purpose, and will, I trust, be shortly passed into law. The Marriage and the Administration of Justice Acts, being matters exclusively of local concern, will remain in force until the local Legislature shall see fit to repeal or to alter them. If the Council and Assembly should think that any change is requisite on either of these topics, the remedy will therefore be in their own hands. The Newfoundland Fisheries Act affects interests partly local, and partly co-extensive with the trade and navigation of the empire at large. It will therefore be continued in force for two years. Before the expiration of that time it will be fit that the local Legislature should be invited to consider the subject in all its bearings. So much of that statute as relates to the navigation and commerce of this kingdom may then be revised by Parliament, with the benefit of the assistance to be anticipated from the labours of the Council and Assembly; so much, on the other hand, of the statute as refers to interests properly local may then also be remitted to the local Legislature for their decision.

By one of the two bills to which I have referred, provision is made for transferring to the Governor, Council and Assembly of Newfoundland the appropriation to the public service of the Island of all money levied there under any Parliamentary authority. From his existing revenues His Majesty has reserved nothing for his own unqualified disposal, but has

placed the whole under the control of the local Legislature, with the exception of a sum which must be applied for the support of the Governor, the Judges, the Colonial Secretary and the Attorney-general. This arrangement will, I trust, effectually obviate the difficulties which have been so sensibly felt in other colonies, and satisfy the inhabitants of His Majesty's fixed purpose and earnest solicitude to promote to the utmost of his power a wise economy in the expenditure of the public revenue, and to respect the constitutional rights of the popular branch of the local Legislature.

You will observe that the expense of collecting this branch of the revenue is to be deducted from its gross proceeds, and that these arrangements do not embrace any part of that revenue which accrues to the Crown in virtue of His Majesty's prerogatives. Such, for example, are the rents or the proceeds of the sales of Crown lands, escheats, fines and forfeitures. His Majesty is, however, graciously pleased to authorize you to assure the Council and Assembly that whatever money may accrue to the Crown in the Island will always be applied towards the expense of the civil or military government or towards objects strictly and exclusively local.

I hope shortly to convey to you the authority of the Lords Commissioners of the Treasury for the apportionment of that part of the Parliamentary duties which will be applicable to the support of the public officers already enumerated.

I have, &c.

(signed)

GODERICH.

Governor Sir Thomas Cochrane,

&c.

&c.

&c.

PROCLAMATION

Defining Electoral Districts

WILLIAM THE FOURTH, by the Grace of
WILLIAM. R. GOD, of the United Kingdom of Great Brit-
[L. S.] ain and Ireland, King, Defender of the
Faith, &c.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas, by Our Letters-Patent under the Great Seal of Our United Kingdom aforesaid, bearing date at Westminster the second day of March, 1832, in the second year of Our reign, We have given and granted to Our trusty and well-beloved Sir THOMAS JOHN COCHRANE, Knight, Our Governor and Commander-in-Chief of Our Island of Newfoundland, full power and authority to summon and call a General Assembly of the freeholders and householders within Our said Island. It is therefore Our pleasure and We hereby declare and make known to all Our loving subjects within the same, that for the purpose of the election of the members of the said Assembly, the said Island shall be divided into nine districts, to be called respectively:

The district of St. John's.

The district of Conception Bay.

The district of Fogo.

The district of Bonavista.

The district of Trinity Bay.

The district of Ferryland.

The district of Placentia and St. Mary.

The district of Burin.

The district of Fortune Bay.

Nine districts es-
tablished.

And it is Our further will and pleasure, and We do hereby declare that the before-mentioned district of St. John's shall consist of and include all that part of Our said island bounded by the shore which is situate and lying between Petty Harbour and Broad Cove.

Conception Bay.

And that the before-mentioned district of Conception Bay shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between Broad Cove and Bay Verds Head.

Fogo.

And that the before-mentioned district of Fogo shall consist of and include all that part of Our said Island which, bounded in like manner, is situate between Cape St. John and Fogo island, including that island.

Bonavista.

And that the before-mentioned district of Bonavista shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between Cape Freels and Cape Bonavista.

Trinity Bay.

And that the before-mentioned district of Trinity Bay shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between Cape Bonavista and Cape Verds Head.

Ferryland.

And that the before-mentioned district of Ferryland shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between Petty Harbour and Cape Race.

Placentia and St. Mary's.

And that the before-mentioned district of Placentia and St. Mary's shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between Cape Race and Rushoon.

Burin.

And that the before-mentioned district of Burin shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between Rushoon and Garnish.

Fortune Bay.

And that the before-mentioned district of Fortune Bay shall consist of and include all that part of Our said Island which, bounded in like manner, is situate and lying between Garnish and Bonne Bay.

Number of members for the several districts.

And We do further signify and declare Our pleasure to be that the said district of St. John's shall be represented in the said Assembly by three members.

And that the said district of Conception Bay shall be represented in the said Assembly by four members.

And that each of the said districts of Fogo, of Bonavista, of Trinity Bay and of Ferryland, shall be represented in the said Assembly by one member.

And that the said district of Placentia and St. Mary's shall be represented in the said Assembly by two members.

And that each of the said districts of Burin and Fortune Bay shall be represented in the said Assembly by one member.

And it is Our will and pleasure that the Governor for Returning Officers the time being of Our said island do appoint some fit person to be the returning officer within each of the said districts.

And We do further declare Our pleasure to be that Our said Governor do issue in Our name writs for the election of Writs of Election. the members of the several districts before mentioned, which writs shall be addressed to the several returning officers aforesaid, and shall by them be returned to the Colonial Secretary for the time being of Our said Island.

And it is Our will and pleasure that every man, being of Qualification of members. the full age of twenty-one years and upwards, and being of sound understanding, and being Our natural-born subject, or having been lawfully naturalized, and never having been convicted in due course of law of any infamous crime, and having for two years next immediately preceding the day of election occupied a dwelling-house within Our said Island as owner or tenant thereof, shall be eligible to be a member of the said House of Assembly.

And it is Our further will and pleasure that every man Qualification of Voters. who, for one year next immediately preceding the day of election, hath occupied a dwelling-house within Our said Island as owner or tenant thereof, and who in other respects may be eligible according to the regulations aforesaid to be a member of the said House of Assembly, shall be competent and entitled to vote for the election of members of the said Assembly, in and for the district within which the dwelling-house so occupied as aforesaid may be situate.

Taking of Votes.

And it is Our pleasure that the votes for the members of the said Assembly shall be taken by the said several returning officers at such one or more place or places within each of the said districts as shall for that purpose be appointed in the body of the writ addressed to the returning officer of every such district respectively, and at or within such time or times as shall for the purpose be therein limited; but inasmuch as by reason of the difficulty in internal communication within Our said Island, many persons entitled to vote might be prevented from the exercise of such their franchise if in every case it were necessary to attend in person for that purpose, We do therefore declare Our pleasure to be, that in respect of any dwelling-house situate at the distance of more than fifteen miles from the nearest place of election within any of the said districts, the vote of any householder duly qualified as aforesaid may be given without his personal attendance by a written notice subscribed by such voter in the presence of two credible witnesses, and duly attested by their signatures; which notices shall be in such form as Our Governor for the time being of Our said Island shall from time to time direct.

Objections.

And it is Our further pleasure that if any candidate or voter at any such election shall object to any vote thus tendered, it shall be the duty of the returning officer to hear such objection and what may be alleged in support of or in answer to the same, and to examine on oath the parties by or against whom such objection may be raised, and any person or persons who may be adduced as a witness or as witnesses on either side, and upon such hearing to admit or to over-rule any such objection as may to such returning officer appear just and right.

Persons obtaining a majority to be deemed elected.

And We further declare Our will to be that the persons in favor of whom the greater number of votes shall be given in any such district shall be publicly declared by such returning officer to be duly elected to be the representatives thereof in the said General Assembly, and shall thereupon be returned and take their seats accordingly: Provided always, that in cases of peculiar doubt or difficulty it shall be competent to any such returning officer to make a special return setting forth the grounds of such doubt, upon which the said House of Assembly shall afterwards decide.

And it is Our will, and We do further declare that the Assembly so to be chosen as aforesaid, shall continue only during Our pleasure; and that the said Assembly shall not proceed to the despatch of any business unless six members at least shall be present at and during the whole of the deliberations of the said House thereupon.

Continuance of
Assembly and
quorum.

And whereas it may be necessary, in order to the complete execution of the several purposes aforesaid, that further regulations shall be made for the conduct of the said elections and the return of members to serve in the said House of Assembly. We have therefore authorized, and do hereby authorize, Our Governor for the time being of Our said Island, by any proclamation or proclamations to be by him from time to time issued in Our name and in Our behalf, to make such further regulations as may be necessary for the conduct of the said elections and for the return of members to serve in the said House of Assembly, and for the due discharge of the duties of the said returning officer, and which regulations shall be of full force, virtue and effect until provision be otherwise made by law; it being, nevertheless, Our pleasure that the regulations so to be made as aforesaid be not repugnant to or inconsistent with the several provisions hereinbefore contained or any of them.

The Governor to
make regulations.

Given at Our Court at St. James's, on the twenty-sixth day of July, 1832, in the third year of Our reign.

EXTRACTS FROM THE ROYAL INSTRUCTIONS

To Charles Henry Darling, Esquire, Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, given at Buckingham Palace the fifth day of May, 1855: in virtue of which Instructions the system known as Responsible or Parliamentary Government was established in this Colony.

X.

And whereas We have by Our said Commission [*Note: the Commission to Charles Henry Darling, Esquire, as Governor, dated May 5th 1855*] ordained and appointed that the existing Council for Our said Island shall constitute and be a Legislative Council for Our said Island: and that the said Legislative Council shall be composed of such Public Officers within our said Island, and of such other Persons within the same, as shall from time to time be nominated or designated by Us, by any Instruction or Instructions, or Warrant or Warrants, to be by Us for that purpose issued under our Sign Manual and Signet, and with the advice of Our Privy Council; all which Councillors shall hold their places in the said Council at Our pleasure: Now We do hereby authorise and empower you, by any Instrument or Instruments to be made and issued in Our name and under the Public Seal of Our said Island, to constitute and appoint provisionally, not less than Ten nor more than Fifteen Persons to be the first Members of the said Legislative Council for Our said Island, subject to Our Pleasure.

Appointment of
Legislative Council.

XI.

And We do declare Our pleasure to be that Five Members of Our said Legislative Council shall be a Quorum for the dispatch of the business thereof.

Quorum of Council.

XII.

And We do authorise and empower you, by an instrument under the Public Seal of Our said Island, to ap-

President of Council.

point One Member of Our said Council to preside therein, and to remove him and appoint another in his stead.

XIII.

Standing Rules
and Orders of
Council.

And for ensuring punctuality of attendance of the Members of the said Legislative Council, and for the prevention of meetings of the said Council being held without convenient notice to the several members thereof, it is Our pleasure, and We do hereby direct, that you do frame, for the guidance of the said Council, such standing Rules and Orders as may be necessary for those purposes with such other standing Rules and Orders as may be best adapted for maintaining order and method in the dispatch of business, and in the conduct of all debates in the said Council, which Rules and Orders, not being repugnant to these Our Instructions, or to any other Instructions which you may receive from Us, shall at all times be followed and observed, and shall be binding upon the said Council.

XIV.

Minutes of Coun-
cil.

And We do further direct that Minutes shall be regularly kept of the proceedings of the said Legislative Council, and that the said Council shall not ever proceed to the dispatch of business until the Minutes of the last preceding Meeting have first been read over and confirmed or corrected as may be necessary.

XV.

Authority to call
General Assem-
bly.

You are authorised and directed, with the advice and consent of Our said Executive Council, from time to time, as need shall require, to summon and call General Assemblies of the Freeholders and Householdors within the said Island and its Dependencies within your Government, in such manner and form, and according to such powers and authorities, as are hereinafter appointed by these Our Instructions, or according to such further powers and authorities as shall be at any time hereafter granted or appointed under Our Sign Manual and Signet, or by Our Order in Our Privy Council, and according to the Laws of Our said Island in that behalf made and provided; and Our will and pleasure is that the persons thereupon duly elected by the

major part of the Freeholders and Household-ers of the respective Towns and Districts, and so returned, shall, before their sitting, take the Oath commonly called the Oath of Allegiance, which Oath you shall commission fit persons under the Seal of Our said Island and its Dependencies, to tender and administer unto them; and until the same shall be taken, no Person shall be capable of sitting, though elected. And We do hereby declare that the Persons so elected and qualified, shall be called and deemed the General Assembly of Our said Island of Newfoundland; and that you, by and with the advice and consent of Our said Legislative Council and Assembly, or the major part of them respectively, shall have full power and authority to make, constitute and ordain Laws, Statutes, and Ordinances, for the public peace, welfare and good government of Our said Island and its Dependencies and the People and Inhabitants thereof, and such others as shall resort thereto, and for the benefit of Us, Our Heirs and Successors; which said Laws, Statutes and Ordinances, are not to be repugnant, but as near as may be agreeable, to the Laws and Statutes of this Our United Kingdom of Great Britain and Ireland.

Legislative powers of the Governor, Legislative Council and Assembly.

XVI.

And it is Our further Will and Pleasure that all such Laws, Statutes and Ordinances, of what nature or duration soever, be, within three months, or sooner, after the making thereof, transmitted to Us under the Public Seal of Our said Island and its Dependencies for our approbation or disallowance of the same, as also duplicates thereof by the next conveyance; and in case any or all of the Laws, Statutes and Ordinances not before confirmed by Us shall at any time be disallowed and not approved, and so signified by us, Our Heirs or Successors, under Our or their Sign Manual and Signet, or by order of Our or their Privy Council, unto you, then such and so many of the said Laws, Statutes, and Ordinances as shall be so disallowed and not approved, shall from thenceforth, cease, determine and become utterly void and of none effect, anything to the contrary thereof notwithstanding; and to the end that nothing may be passed or done by Our said Legislative Council and Assembly to the prejudice of Us, Our Heirs and Successors, We will and ordain that you shall have and enjoy a negative voice in the

Allowance and disallowance of Statutes.

making and passing such Laws, Statutes, and Ordinances as aforesaid, and that you shall and may from time to time, as you shall judge it necessary, adjourn, prorogue, or dissolve all General Assemblies as aforesaid.

XVII.

Instructions and Statutes to be complied with as to the calling of General Assemblies.

And whereas by a Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the Second day of March One thousand eight hundred and thirty-two, in the Second year of the Reign of His Majesty King William the Fourth, and by Instructions under His Royal Sign Manual and Signet, bearing date the Twenty-Seventh day of July, One thousand eight hundred and thirty-two, His said late Majesty did authorise and empower Sir Thomas John Cochrane, Knight, then Governor of Newfoundland, to summon General Assemblies of Freeholders and Householders within the said Island: And Whereas General Assemblies were afterwards elected and holden in and for the said Island under and by virtue of the said last mentioned Commissions and Instructions, and under and by virtue of other Commissions and Instructions from time to time issued by Us: And Whereas by an Act passed in the Sixth Year of Our Reign, intituled "An Act for amending the Constitution of the Government of Newfoundland," it was enacted amongst other things, that it should be lawful for Us, in the manner therein provided, to establish a qualification in respect of income or property, in right of which any person might thereafter be elected to serve as a member of the Assembly of Our said Island, and in manner aforesaid to determine the length of the period of residence which should be required, in addition to any other qualification, for voting at such elections or for being elected to serve as a Member of the Assembly, and to restrain, in manner therein provided, appropriations of moneys to the Public Service by the said Assembly, and to require that all Elections of Members to serve in the said Assembly should be simultaneous: And Whereas so much as is hereinbefore recited of the said Act was made permanent by an Act passed in the Eleventh Year of Our Reign, and entitled "An Act to make permanent certain parts of the Act for amending the Constitution of Newfoundland:" And Whereas by a Commission under the Great Seal aforesaid bearing date the Twenty-seventh day of

August, One Thousand, eight hundred and forty-two, and by Instructions under our Sign Manual and Signet bearing date the first day of September, One thousand eight hundred and forty-two, We did, in pursuance of the powers reserved to Us by the said first recited Act, make certain changes in the Constitution of the Government of Newfoundland, in respect of the qualifications of Members of the Assembly, and the period of residence necessary to qualify Electors for and Members by such Assembly, and in respect of holding elections for such Assembly simultaneously, and limiting the duration thereof, and in respect of restraining the appropriation of public funds by the said Assembly: And Whereas General Assemblies have been since elected and holden in and for the said Island under and by virtue of the said last mentioned Commission and Instructions, and under and by virtue of other Commissions and Instructions from time to time issued by Us, and lastly of our Commission and Instructions aforesaid, bearing date the Ninth day of November, One Thousand Eight Hundred and Fifty-two: Now by these Our Instructions under Our Signet and Sign Manual, We do, in pursuance and exercise of the powers vested in Us by the said recited Acts, and other powers and authority to Us in that behalf appertaining, direct that in relation to the summoning of such General Assemblies, you do follow the provisions of Our said recited Instructions, and of an Act of the Legislature of Newfoundland passed in the Eighteenth Year of our Reign, and intituled "An Act to Increase the present number of Representatives in the General Assembly of this Island, and to regulate the Representation thereof."

LETTERS PATENT

Passed under the Great Seal of the United Kingdom,
constituting the Office of Governor and Commander-
in-Chief of the Island of Newfoundland and its De-
pendencies.

[DATED 28TH MARCH, 1876.]

VICTORIA, by the Grace of GOD, of the United
VICTORIA R. *Kingdom of Great Britain and Ireland,*
Queen, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas We did, by certain Letters-Patent under the ^{Preamble} Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the sixth day of September, 1869, in the thirty-third year of Our reign, constitute and appoint Our trusty and well-beloved Colonel STEPHEN JOHN HILL (now Sir STEPHEN JOHN HILL, Knight Com- ^{Cites Governor's Commission, 6th September, 1869.} mander of Our Most Distinguished Order of Saint Michael and Saint George), Companion of Our Most Honourable Order of the Bath, to be, during Our pleasure, Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and its Dependencies. And whereas We are desirous of making effectual and permanent provision for the office of Governor and Commander-in-Chief in and over Our said Island of Newfoundland and its Dependencies without making new Letters-Patent on each demise of the said office: Now know ye that We have revoked and determined, and by these presents do revoke and determine, the said recited Letters-Patent, and every clause, article, and thing therein contained: And further know ye, that We, of Our special grace, certain knowledge, and mere motion, have thought fit to constitute order, and declare and do by these presents constitute, order, and declare, that there shall be a Governor and Commander-in-Chief (hereinafter called Our said Governor) in ^{Revocation of Governor's Commission.} and over Our Island of Newfoundland, and the islands adjacent ^{Office of Governor constituted.}

Boundaries
defined

ent, and all the coast of Labrador from the entrance of Hudson's Straits to a line to be drawn due north and south, from Anse Sablon on the said coast to the fifty-second degree of north latitude, and all the islands adjacent to that part of the said coast of Labrador, as also of all forts and garrisons erected and established, or which shall be erected and established within or on the islands and coast aforesaid (which said islands and coast, together with the island of Newfoundland, are hereinafter referred to as Our said Colony), and that the person who shall fill the said office of Governor shall be, from time to time, appointed by Commission under Our Sign-Manual and Signet. And We do hereby authorize and command Our said Governor to do and execute in due manner all things that shall belong to his said command, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of these present Letters-Patent, and of such Commission as may be issued to him under Our Sign-Manual and Signet, and according to such instructions as may from time to time be given to him under Our Sign-Manual and Signet, or by Our order in Our Privy Council, or by Us through one of Our principal Secretaries of State, and according to such laws and ordinances as are or shall hereafter be in force in Our said Colony.

Governor's
Powers and Au-
thorities.

Appointment of
Executive Council

II.—And We do hereby declare Our pleasure to be that there shall be an Executive Council for Our said Colony, and that the said Council shall consist of such persons as are now or may at any time be declared by any law enacted by the Legislature of Our said Colony to be members of Our said Council, and of such other persons as Our said Governor shall, from time to time, in Our name and on Our behalf, but subject to any law as aforesaid, appoint under the Public Seal to be members of Our said Council.

Legislative Coun-
cil, Constitution
of

III.—And We do hereby declare Our pleasure to be that there shall be within Our said Colony a Legislative Council which shall consist of such members as at or immediately before the publication of these presents were members of Our said Council, and of such and so many other members as shall hereafter be from time to time nominated and appointed by Us under Our Sign-Manual and Signet, or pro-

visionally appointed by Our said Governor until Our pleasure thereon shall be known: Provided, nevertheless, and We do hereby declare Our pleasure to be, that the total number of ^{Number.} the members of the said Legislative Council for the time being resident within Our said Colony shall not at any time, by such provisional appointments, be raised to a greater number in the whole than fifteen: Provided also that every member of Our said Council shall hold his place therein during Our pleasure, and shall be removable by any instruction or warrant issued by Us under Our Sign-Manual and Signet, and with the advice of Our Privy Council.

IV.—And We do authorize and empower Our said Governor, with the advice and consent of Our said Executive Council, by writs issued in Our name, to summon and call together the General Assembly of Our said Colony, and also, from time to time, in the lawful and accustomed manner, to prorogue the Legislative Council and the House of ^{General Assembly to be summoned.} Assembly of Our said Colony, and from time to time to dissolve the said House of Assembly. ^{Prorogation and Dissolution of the Legislature.}

V.—And We do further authorize and empower Our said Governor, with the advice and consent of the said ^{Governor, Legislative Council and Assembly to make laws.} Legislative Council and Assembly of Our said Colony, to make laws for the public peace, welfare, and good government of Our said Colony.

VI.—And We do further authorize and empower Our said Governor to keep and use the Public Seal of Our said Colony for sealing all things whatsoever that shall pass the said Public Seal. ^{Public Seal.}

VII.—And We do further authorize and empower Our said Governor, in Our name and on Our behalf, to make and execute, under the said Seal, grants and dispositions of any ^{Grants of land.} lands which may be lawfully granted or disposed of by Us within Our said Colony.

VIII.—And We do further authorize and empower Our said Governor to constitute and appoint in Our name and on ^{Appointment of Judges and Justices, &c.} Our behalf all such Judges, Commissioners, Justices of the Peace, and other necessary officers and ministers in Our said Colony as may be lawfully constituted or appointed by Us.

IX.—And We do further authorize and empower Our said Governor, as he shall see occasion, in Our name and on Our behalf, when any crime has been committed within Our said Colony, or for which the offender may be tried therein, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender; and further, to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate, within Our said Colony, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to Our said Governor may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to Us. Provided always that Our said Governor shall in no case make it a condition of any pardon or remission of sentence that the offender shall be banished from, or shall absent himself from Our said Colony.

Grant of pardons.

Remission of fines

Proviso: Banishment from Colony prohibited.

Suspension or removal from office.

X.—And We further authorize and empower Our said Governor, so far as We lawfully may, upon sufficient cause to him appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any such office or place within Our said Colony under or by virtue of any commission or warrant granted, or which may be granted, by Us in Our name or under Our authority.

Succession to the Government.

XI.—And We do hereby declare Our pleasure to be that, in the event of the death, incapacity, removal, or absence of Our said Governor out of Our said Colony, all and every the powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be, and the same are hereby vested in such person as may be appointed by Us under Our Sign-Manual and Signet to be Our Lieutenant-Governor of Our said Colony, or if there shall be no such Lieutenant-Governor in Our said Colony, then in such person or persons as may be appointed by Us under Our Sign-Manual and Signet to administer the Government of the same; and, in case there shall be no person or persons within Our said Colony so appointed by Us, then in the President for the time being of the Legislative Council of Our said Colony.

XII.—And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other inhabitants of Our said Colony, to be obedient, aiding and assisting unto Our said Governor, or, in the event of his death, incapacity, or absence, to such person or persons as may from time to time, under the provisions of these Our Letters-Patent, administer the Government of Our said Colony.

Officers and others
to obey and assist
the Governor.

XIII.—And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters-Patent as to Us or them shall seem meet.

Power reserved to
Her Majesty to
revoke, alter or
amend the present
Letters Patent.

XIV.—And We do further direct and enjoin that these Our Letters-Patent shall be read and proclaimed at such place or places as Our said Governor shall think fit within Our said Colony of Newfoundland.

Publication of
Letters Patent

In witness whereof We have caused these Our Letters to be made patent. Witness Ourselves at Westminster the 28th day of March, in the thirty-ninth year of Our reign.

(By Warrant under the Queen's Sign-Manual.)

C. ROMILLY.

INSTRUCTIONS

Passed under the Royal Sign-Manual and Signet to the Governor and Commander-in-Chief of the Island of Newfoundland and its Dependencies.

[DATED 28TH MARCH, 1876]

Instructions to Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and its Dependencies, or, in his absence, to Our Lieutenant-Governor or the Officer Administering the Government of Our said Island and its Dependencies for the time being. Dated this 28th day of March, 1876, in the thirty-ninth year of Our reign.

VICTORIA R.

I.—Whereas by certain Letters-Patent, bearing even date herewith, We have constituted, ordered and declared that there shall be a Governor and Commander-in-Chief (hereinafter called Our said Governor) in and over Our Island of Newfoundland and its dependencies (hereinafter called Our said Colony). And We have thereby authorised and commanded Our said Governor to do and execute in due manner all things that shall belong to his said command and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of the said Letters-Patent and of the Commission to be issued to him under Our Sign-Manual and Signet, and according to such instructions as may from time to time be given to him under Our Sign-Manual and Signet, or by Our order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and according to such laws and ordinances as are or shall hereafter be in force in Our said Colony. Now, therefore, We do by these Our Instructions under Our Sign-Manual and Signet, declare Our pleasure to be that Our said Governor for the time being shall, with all due solemnity, cause Our Commission under Our Sign-Manual and Signet,

Preamble

Cites Letters
Patent 28th
March, 1876,
constituting the
office of Governor

Publication of
Commission.

Oaths to be taken
by Governor.

Imperial Act
31 and 32 Vict.,
cap. 72.

appointing Our said Governor for the time being, to be read and published in the presence of the Chief Justice of Our said Colony for the time being, and of the members of Our Executive Council thereof; and We do further declare Our pleasure to be that Our said Governor and every other officer appointed to administer the Government of Our said Colony shall take the Oath of Allegiance in the form provided by an Act passed in the session holden in the thirty-first and thirty-second years of Our reign, intituled "An Act to amend the law relating to Promissory Oaths"; and likewise that he or they take the usual oath for the due execution of the office and trust of Our Governor and Commander-in-Chief in and over Our said Colony, and for the due and impartial administration of justice, which said oaths the Chief Justice for the time being of Our said Colony, or in his absence, or in the event of his being otherwise incapacitated, the senior Judge then present, or, failing such Judge, the senior member present of Our said Executive Council shall and he is hereby required to tender and administer unto him or them.

Oaths to be
administered by
the Governor.

II.—And we do authorize and require Our said Governor, from time to time and at any time hereafter, by himself or by any other person to be authorized by him in that behalf, to administer to all and to every person or persons as he shall think fit, who shall hold any office or place of trust or profit, the said Oath of Allegiance, together with such other oath or oaths as may from time to time be prescribed by any laws or statutes in that behalf made and provided.

Governor to
communicate In-
structions to
Executive Council

III.—And We do require Our said Governor to communicate forthwith to Our Executive Council for Our said Colony these Our Instructions, and likewise all such others from time to time as he shall find convenient for Our Service to be imparted to them.

Executive Council
not to proceed to
business unless
summoned by
authority of
Governor.

IV.—And We do hereby direct and enjoin that Our said Executive Council shall not proceed to the despatch of business unless duly summoned by authority of Our said Governor, and three members at the least (exclusive of himself or the member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

Quorum.

V.—And We do further direct and enjoin that Our said Governor do attend and preside at the meetings of Our said Executive Council, unless when prevented by some necessary or reasonable cause; and that in his absence such member as may be appointed by him in that behalf, or, in the absence of any such member, the senior member of the said Executive Council actually present shall preside at all such meetings, the seniority of the members of the Council being regulated according to the order of their respective appointments as members of Our said Council.

Governor to
preside;

Or appoint a
President;

Senior member
to preside during
absence of Gover-
nor or President;

Precedence of
members.

VI.—And We do further direct and enjoin that a full and exact journal or minute be kept of all the deliberations, acts, proceedings, votes and resolutions of Our said Executive Council, and that at each meeting of the said Council the minutes of the last meeting be read over, confirmed, or amended, as the case may require, before proceeding to the despatch of any other business. And We do further direct that twice in each year a full transcript of all the minutes of the said Council for the preceding half year be transmitted to Us through one of Our Principal Secretaries of State.

Journals and
Minutes of Coun-
cil to be kept.

Minutes to be sent
to the Crown half-
yearly.

VII.—And We do further direct and enjoin that in the execution of the powers and authorities committed to Our said Governor by Our said Letters-Patent, he shall in all cases consult with Our said Executive Council, excepting only in cases which may be of such a nature that, in his judgment, Our service would sustain material prejudice by consulting Our Council thereupon, or when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect of any such matters: Provided that in all such urgent cases he shall subsequently and at the earliest practicable period, communicate to the said Executive Council the measures which he may so have adopted with the reasons thereof.

Governor to con-
sult Executive
Council.

Prov'so: Urgent
cases.

VIII.—And We do authorize Our said Governor, in his discretion, and if it shall in any case appear right, to act in the exercise of the power committed to him by Our said Letters-Patent in opposition to the advice which may in any such case be given to him by the members of Our said Executive Council: Provided, nevertheless, that in every such case he

Governor may act
in opposition to
the Executive
Council;

Reporting grounds for so doing.

shall fully report to Us by the first convenient opportunity such proceeding with the grounds and reasons thereof.

Legislative Council;

IX.—And whereas We have by Our said Letters-Patent provided that the Legislative Council of Our said Colony shall be constituted in the manner therein appointed: Now We do declare Our pleasure to be that five members of the said Legislative Council shall be a quorum for the despatch of the business thereof.

Quorum.

President.

X.—And We do authorize and empower Our said Governor, from time to time, by an instrument under the public seal of Our said Colony, to appoint one member of the said Legislative Council to preside therein, and to remove him and appoint another in his stead.

Standing rules and orders.

XI.—And We do confirm all Standing Rules and Orders heretofore made by Our authority for ensuring punctuality of attendance of the members of the said Legislative Council, and for the prevention of meetings of the said Council being held without convenient notice to the several members thereof, and for maintaining order and method in the despatch of business, and in the conduct of all debates in the said Council; and We do authorize and empower the said Legislative Council to make such other and further Rules and Orders as may to them appear requisite for the above-mentioned purposes, not being repugnant to these Our Instructions, or to any other Instructions which Our said Governor may receive from Us.

s of pro-
s to be

XII.—And We do further direct and enjoin that minutes shall be regularly kept of the proceedings of the said Legislative Council, and that at each meeting of the said Council the minutes of the last preceding meeting be read over, confirmed, or amended, as the case may require, before proceeding to the despatch of any other business. And We do further direct and enjoin that Our said Governor shall transmit fair copies of the Journals and Minutes of the proceedings of the Legislative Bodies of Our said Colony, which he is to require from the clerks or other proper officers in that behalf of the said Legislative Bodies.

Minutes
mitted.

Oaths to be administered to members of Assembly.

XIII.—And whereas We have empowered Our said Governor, by Our said Letters-Patent, to summon and call

together the General Assembly of Our said Colony; We do further direct and enjoin that the persons thereupon duly elected to be members of the said Assembly shall, before their sitting, take the said Oath of Allegiance, which Oath he shall commission fit persons, under the Seal of Our said Colony, to tender and administer unto them; and until the same shall be so taken, no person shall be capable of sitting, though elected.

XIV.—And in the enactment of Laws within Our said Colony, We do direct and enjoin that Our said Governor observe, as far as may be practicable, the following Rules and Instructions, (that is to say):—

Rules to be observed in the enactment of laws.

XV.—The style of enacting such laws shall be by “The Governor, Lieutenant-Governor, or Officer Administering the Government (as the case may be), Council and Assembly,” and no other.

The style of laws.

XVI.—In passing of all laws, each different matter is to be provided for by a different law, without intermixing in one and the same law such things as have no proper relation to each other, and no clause is to be inserted in or annexed to any Law which shall be foreign to what the title of such Law imports, and no perpetual clause is to be part of any temporary Law.

Different subjects not to be mixed in the same law;

No clause to be introduced foreign to what the title imports; Temporary laws.

XVII.—Our said Governor is not to assent in Our name to any Bill of any of the classes hereinafter specified, that is to say:—

1. Any Bill for the divorce of persons joined together in Holy Matrimony.
2. Any Bill whereby any grant of land or money or other donation or gratuity may be made to himself.
3. Any Bill whereby any paper or other currency may be made a legal tender, except the coin of the realm or other gold or silver coin.
4. Any Bill imposing differential duties.
5. Any Bill the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty.

Description of bills not to be assented to.

6. Any Bill interfering with the discipline or control of Our forces in Our said Colony by land and sea.
7. Any Bill of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of our subjects not residing in Our said Colony, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced.
8. Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by Us:—

Proviso: Urgent cases.

Unless such Bill shall contain a clause suspending the operation of such Bill until the signification in Our said Colony of Our pleasure thereupon, or unless Our said Governor shall have satisfied himself that an urgent necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorized to assent in Our name to such Bill unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed upon Us by Treaty. But he is to transmit to Us, by the earliest opportunity the Bill so assented to, together with his reasons for assenting thereto.

Laws to be sent to the Crown duly authenticated, and to have marginal abstracts;

Disallowance of laws.

XVIII.—And We do further direct and enjoin Our said Governor to transmit to Us, through one of Our Principal Secretaries of State, a transcript in duplicate of every law which has been assented to by him in Our name, together with a marginal abstract thereof, duly authenticated under the Public Seal of Our said Colony, and that such transcript shall be accompanied with such explanatory observations as may be required to exhibit the reasons and occasion for proposing such laws; and that in case any such law shall at any time be disallowed, and so signified by Us, Our Heirs and Successors, under Our or their Sign-Manual and Signet, or by order of Our or their Privy Council unto him, then such Law as shall be so disallowed shall from thenceforth cease, determine, and become utterly void and of none effect, anything to the contrary notwithstanding.

Pardoning power—Regulation of;

XIX.—And whereas We have by Our said Letters-Patent authorized and empowered Our said Governor, as he

shall see occasion, in Our name and on Our behalf, to grant to any offender convicted of any crime in any court, or before any Judge, Justice, or Magistrate within Our said Colony, a pardon, either free or subject to lawful conditions:

Now We do hereby direct and enjoin Our said Governor to call upon the Judge who presided at the trial of any offender who shall have been condemned to suffer death by the sentence of any court within Our said Colony to make to Our said Governor a written report of the case of such offender, and such report of the said Judge shall by Our said Governor be taken into consideration at the first meeting thereafter which may be conveniently held of Our said Executive Council, where the said Judge may be specially summoned to attend; and Our said Governor shall not pardon or reprieve any such offender as aforesaid, unless it shall appear to him expedient so to do, upon receiving the advice of Our Executive Council therein, but in all such cases he is to decide either to extend or withhold a pardon or reprieve, according to his own deliberate judgment, whether the members of Our said Executive Council concur therein or otherwise; entering, nevertheless, on the minutes of the said Council a minute of his reasons at length, in case he should decide any such questions in opposition to the judgment of the majority of the members thereof.

Judge's report to be laid before the Executive Council;

Governor to take the advice of the Council in such cases;

May exercise his own judgment;

Entering his reasons in the Minutes of Council.

XX.—And We do further direct and enjoin that all Commissions granted by Our said Governor to any person or persons to be Judges, Justices of the Peace, or other officers, shall, unless otherwise provided by law, be granted during pleasure only.

Commissions during pleasure only.

XXI.—And whereas Our said Governor will receive through one of Our Principal Secretaries of State a book of tables in blank, commonly called the "Blue Book," to be annually filled up with certain returns relative to the Revenue and Expenditure, Militia, Public Works, Legislation, Civil Establishment, Pensions, Population, Schools, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, and other matters in the said "Blue Book" more particularly specified with reference to the state and condition of Our said Colony: Now We do hereby direct and enjoin that all such returns be accurately prepared and punctu-

Blue Book.

ally transmitted to Us from year to year through one of Our Principal Secretaries of State.

Governor's
absence.

XXII.—And whereas great prejudice may happen to Our service and to the security of Our said Colony by the absence therefrom of Our said Governor, he shall not upon any pretence whatsoever quit Our said Colony without having first obtained leave from Us for so doing under Our Sign-Manual and Signet, or through one of Our Principal Secretaries of State.

V. R.

COMMISSION

Passed under the Royal Sign Manual and Signet, appointing the Chief Justice for the time being of Newfoundland to Administer the Government of the Colony, in the event of the Death, Incapacity, Removal or Absence of the Governor and of there being no Lieutenant-Governor in the Colony.

[DATED 1ST DECEMBER 1902.]

EDWARD R. *EDWARD THE SEVENTH, by the Grace of GOD of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India: To Our Chief Justice for the time being of Our Colony of Newfoundland, Greeting:*

WHEREAS by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the Twenty-eighth day of March 1876. Her late Majesty Queen Victoria did constitute, order, and declare that there should be a Governor and Commander-in-Chief in and over our Colony of Newfoundland, and did authorize and command the said Governor and Commander-in-Chief to do and execute in due manner all things belonging to his said office as therein is more particularly set forth:

Recites Letters Patent, constituting the office of Governor, dated 28th March, 1876.

And whereas by the said Letters Patent it was further declared that, in the event of the death, incapacity, removal, or absence of the said Governor and Commander-in-Chief out of Our said Colony, the Lieutenant-Governor, or if there should be no such Officer in Our said Colony, then such person or persons as might be appointed under the Royal Sign Manual and Signet, should during pleasure administer the Government of the same.

Now know you that by this Our Commission, under Our Sign Manual and Signet, We do appoint you, Our said Chief

The Chief Justice to Administer the Government in the absence of the Governor and Lieutenant-Governor (if any.)

Powers and authorities.

Officers and others to obey the Administrator.

Justice for the time being, until Our further pleasure shall be signified, to administer the Government of Our said Colony of Newfoundland in case of the death, incapacity, removal, or absence out of Our said Colony, of Our said Governor and Commander-in-Chief, as well as of Our Lieutenant-Governor (if any), with all and singular the powers and authorities granted by the said Letters Patent. And We do hereby authorise and require you, Our said Chief Justice for the time being, to exercise and perform all and singular the powers and authorities contained in any Letters Patent, for the time being in force in Our said Colony, according to such Orders and Instructions as Our said Governor and Commander-in-Chief or Our said Lieutenant-Governor hath already received, or may hereafter receive from Us, and to such further Orders and Instructions as you may receive from Us.

II. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said Colony, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Given at Our Court at Saint James's, this First day of December 1902, in the Second Year of Our Reign.

By His Majesty's Command,

A. AKERS DOUGLAS.

LETTERS PATENT

Passed under the Great Seal of the United Kingdom, in regard to the absence of the Governor of Newfoundland from the Colony or seat of Government thereof.

[DATED 17TH JULY 1905.]

*EDWARD THE SEVENTH, by the Grace of
GOD of the United Kingdom of Great Brit-
ain and Ireland and of the British Domin-
ions beyond the Seas, King, Defender of the
Faith, Emperor of India: To all to whom
these Presents shall come, Greeting:*

WHEREAS by certain Letters Patent passed under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the Twenty-eighth day of March 1876, Her late Majesty Queen Victoria did constitute, order and declare that there should be a Governor and Commander-in-Chief (therein and hereinafter called "Our said Governor") in and over Our Island of Newfoundland with its Dependencies (therein and hereinafter called "Our said Colony"):

And whereas by the Eleventh Clause of the aforesaid Letters Patent certain provision was made with reference to the absence of Our said Governor from Our said Colony:

And whereas We are minded to make further provision in regard to the absence of Our said Governor from Our said Colony, and also to provide for his absence from the seat of Government thereof:

Now know ye that We do hereby declare Our Will and Pleasure, and direct and ordain as follows:—

I. The aforesaid Eleventh Clause of the aforesaid Letters Patent of the Twenty-eighth day of March 1876 is hereby repealed and revoked, but without prejudice to anything

Substitutes fresh
Clause for Clause
XI. of Letters
Patent of 28th
March, 1876.

lawfully done thereunder. And the aforesaid Letters Patent shall henceforth be construed and take effect as if, instead of the said Eleventh Clause the following Clause had been inserted therein:—

Succession to the Government.

“XI. In the event of the death, incapacity, removal, or absence of Our said Governor out of Our said Colony, all and every the powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be, and the same are hereby vested in such person as may be appointed by Us, under Our Sign Manual and Signet, to be Our Lieutenant-Governor of Our said Colony, or if there shall be no such Lieutenant-Governor in Our said Colony, then in such person or persons as may be appointed by Us under Our Sign Manual and Signet to administer the Government of the same; and in case there shall be no person or persons within Our said Colony so appointed by Us, then in the President for the time being of the Legislative Council of Our said Colony.

Governor may appoint a Deputy during his temporary absence from seat of Government, or from the Colony for the purpose of visiting Canada on public business

“Provided that, in the event of Our said Governor having occasion to be temporarily absent for a short period from the seat of Government, or from Our said Colony for the purpose of visiting Our Dominion of Canada on public business, he may in every such case by an Instrument under the Public Seal of Our said Colony, constitute and appoint Our Lieutenant-Governor, or if there be no such Officer or if such Officer be absent or unable to act, then any other person, to be his Deputy during such temporary absence, and in that capacity to exercise, perform, and execute for and on his behalf during such absence, but no longer, all such powers and authorities vested in Our said Governor, by these Our Letters Patent, as shall in and by such Instrument be specified and limited, but no others. Every such Deputy shall conform to and observe all such instructions as Our said Governor shall from time to time address to him for his guidance. Provided, nevertheless, that by the appointment of a Deputy as aforesaid, the power and authority of Our said Governor shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter thing proper to direct. Provided further that if any such Deputy shall have been duly appointed it shall not be necessary during the

continuance in office of such Deputy for any person to assume the Government of Our said Colony as Administrator thereof."

II. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

Power reserved
to revoke, alter or
amend

III. And We do further direct and enjoin that these Our Letters Patent shall be proclaimed at such place or places within Our said Colony as Our said Governor shall think fit.

Proclamation of
Letters Patent

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster, the Seventeenth day of July, in the Fifth Year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.

COMMISSION

Passed under the Royal Sign Manual and Signet, appointing Sir Charles Alexander Harris, K. C. M. G., C. B., C. V. O., to be Governor and Commander-in-Chief of the Island of Newfoundland and its Dependencies.

[DATED 1ST NOVEMBER 1917.]

GEORGE THE FIFTH, by the Grace of GOD of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India: To Our Trusty and Well-beloved Sir CHARLES ALEXANDER HARRIS, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, Companion of Our Most Honourable Order of the Bath, Commander of our Royal Victorian Order, Greeting:

We do, by this Our Commission under Our Sign Manual and Signet, appoint you, the said Sir Charles Alexander Harris, to be, during Our pleasure, Our Governor and Commander-in-Chief in and over Our Island of Newfoundland and its Dependencies, with all the powers, rights, privileges, and advantages to the said Office belonging or appertaining.

II. And We do hereby authorise, empower, and command you to exercise and perform all and singular the powers and directions contained in certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, constituting the Office of Governor and Commander-in-Chief in and over Our Island of Newfoundland and its Dependencies, bearing date at Westminster the Twenty-eighth day of March 1876, and in certain other Letters Patent under the said Great Seal, bearing date at Westminster the Seventeenth day of July 1905, or in any other Letters Patent adding to, amending, or substituted for the same, ac-

Appointment of
Sir C. A. Harris,
K. C. M. G., C. B.,
C. V. O., to be Gov-
ernor.

His duties and
powers under
Letters Patent,
dated 28th March,
1876, and 17th July,
1905.

ording to such Orders and Instructions as the Governor and Commander-in-Chief for the time being of Our said Island and its Dependencies may have received, or as you may hereafter receive from Us.

III. And We do hereby appoint that so soon as you shall have taken the prescribed Oaths and have entered upon the duties of your Office, this Our present Commission shall supersede Our Commission under Our Sign Manual and Signet, bearing date the Twenty-third day of December, 1912, appointing Our Trusty and Well-beloved Walter Edward Davidson, Esquire, Companion of Our Most Distinguished Order of Saint Michael and Saint George (now Sir Walter Edward Davidson, Knight Commander of Our said Most Distinguished Order) to be Our Governor and Commander-in-Chief in and over Our said Island and its Dependencies.

Commission of
23rd December,
1912, superseded.

Officers, &c., to
obey the Governor

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said Island and its Dependencies, and all others whom it may concern, to take due notice thereof, and to give their ready obedience accordingly.

Given at Our Court at Saint James's, this First day of November 1917, in the Eighth year of Our Reign.

By His Majesty's Command,

WALTER H. LONG.

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